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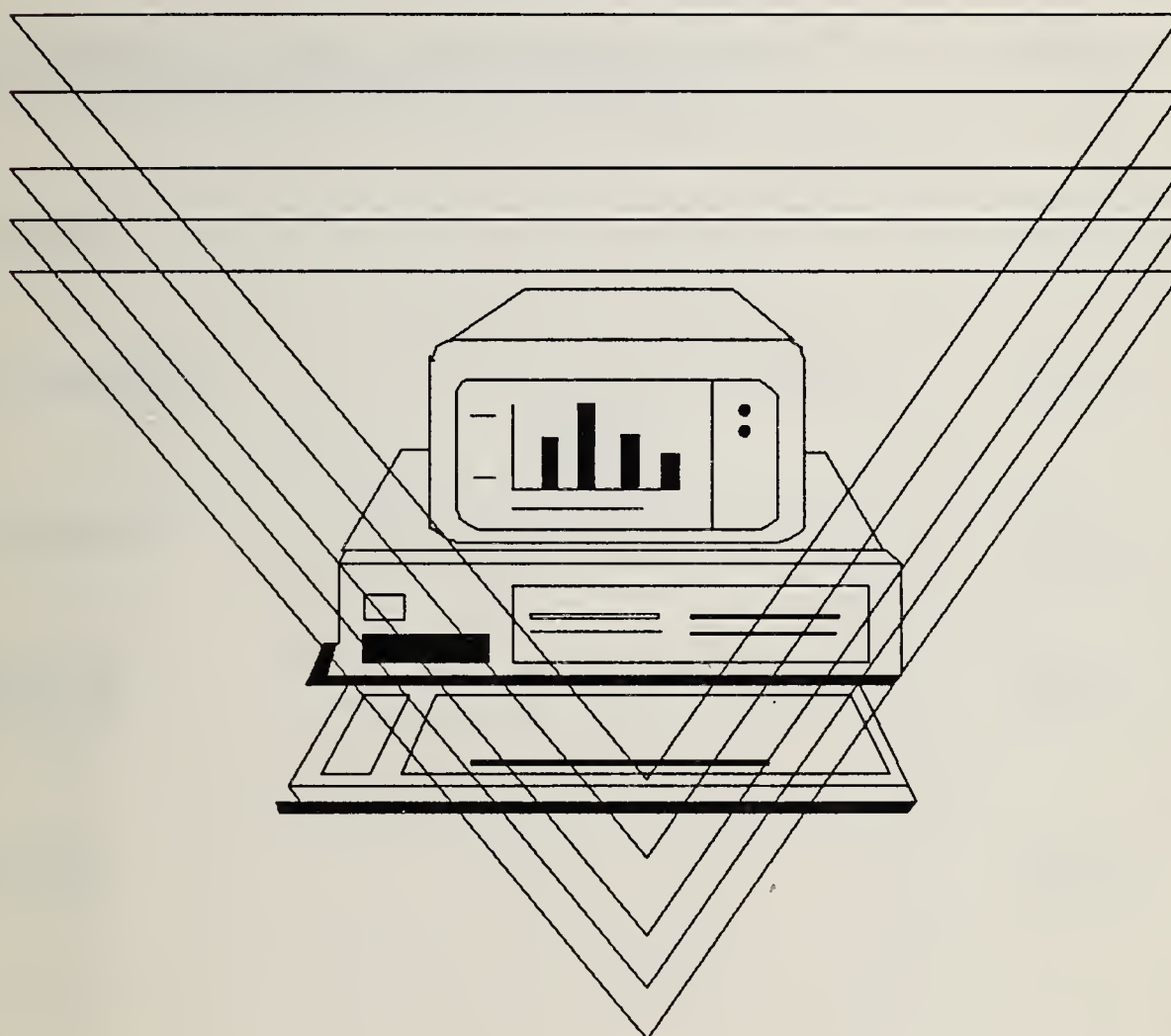
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TORONTO FAMILY LAW

Case Management Baseline Statistics



Court Reform Task Force
Ministry of the Attorney General
September 1991

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Twohig, John.

Toronto family law case
management baseline
statistics.

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INTRODUCTION

In order to prepare for the case management pilot projects which began in Windsor and Sault Ste. Marie on September 4, 1990 and will begin in Toronto on December 2, 1991, it was considered necessary to gather information on the pace of litigation before the projects began. In 1989, a sample of civil cases commenced by way of statement of claim was gathered for the Supreme and District Courts at five different court locations. All of the civil cases were updated and are current to June 30, 1990. Part of the civil case sample included a number of family law statements of claim. It was decided to supplement the family law sample with information from divorce and application files in Toronto. Early in 1990, the information requirements for divorce petitions and family law applications were completed. Craig Perkins, in consultation with Huguette Malyon, Court Services Manager, of the Ontario Court (Provincial Division) in Toronto and lawyers Carole Curtis and Roger Timms (now a member of the Provincial Division bench), developed the data fields. Helpful comments on the format of the family data requirements were received from local registrars Isabelle Lanoue in Windsor and Melba Kinnunen in Sault Ste. Marie.

Data collection was undertaken in the summer of 1990 by Debbie Lachman. Ms. Lachman had been involved in the collection of information on civil files in the summer of 1989. She selected a sample of petitions for divorce and applications filed in the Supreme Court at Toronto.

The pressures of other work did not allow immediate analysis of the family law sample. Draft reports were produced by Greg Hall in August of 1991. The draft reports were then reviewed by Craig Perkins, Tony Fernandes, and Mr. Justice George Walsh. All of the files were then updated and are current to September 6, 1991. Karl Naumoff of the Family Law Office in the Ontario Court (General Division) worked with Tony Fernandes in updating all of the information in the files. Marlene Mills faithfully provided all the necessary secretarial support.

A section in this material deals with cases which were sampled at the Ontario Court (Provincial Division) at 311 Jarvis Street in Toronto. This sample was obtained in May, 1989, and the collection methodology and analysis is much different from that used for the Supreme Court samples. It does, however, provide some useful insight as to the type of cases and the pace of litigation in the Provincial Court in 1987 and 1988.

The civil law statistical binder is available for those who wish to compare the pace of litigation in family law and civil law. The civil law binder contains a description of the structure of Ontario's courts at the time these samples were collected, as well as providing census data for Canada, Ontario and Toronto in 1986.



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METHODOLOGY

In the spring of 1989, there seemed to be general agreement that three pilot projects should proceed in Toronto, Windsor, and Sault Ste. Marie. To prepare for the case management pilot projects, a data collection strategy was devised in June, 1989. A copy of the strategy is attached as Appendix A. This strategy was developed by Ed Finlan, now court services manager in London, Ontario. A data screen for proceedings commenced by way of statement of claim was developed to capture the information anticipated to be found in each file. A separate data screen was developed for divorces and applications in family law matters. Copies of the data screens are attached as Appendices B, C and D. These appendices also make reference to the data elements which were actually found. Some of the information was always available, and in other cases, usually available, occasionally available, or rarely available. The availability of the information affects the reliability of the statistics which are generated. The definition of the type of disposition used in the statement of claim survey is attached at Appendix E.

Appendix F is a chart which sets out the relative size of the sample compared to the number of filings in 1986 as well as a description of the method for gathering the statistics. The statement of claim sample was gathered by Grant Goldrich and the data for divorces and applications was gathered by Debbie Lachman. As each file was reviewed, the information was transcribed onto the data information sheets and later loaded onto the computer for analysis.

An initial analysis of the statement of claim files was prepared in August, 1990. The information for all reports was updated in August-September 1991 under the supervision of John Twohig with the assistance of Tony Fernandes, Deputy Local Registrar and Karl Naumoff, Junior Deputy Local Registrar, of the Ontario Court (General Division).

DATA COLLECTION STRATEGY

**A PLAN TO COLLECT AND ANALYZE
INFORMATION ON CIVIL CASES
IN WINDSOR, SAULT STE. MARIE
AND TORONTO**

**CIVIL CASE MANAGEMENT PILOT PROJECTS
COURT REFORM TASK FORCE**

JUNE, 1989

1.0 OBJECTIVES OF THE SURVEY

1.1 PURPOSE

To establish a statistical information source for each civil case management pilot project location that describes existing civil case processing in the Supreme, District and Family courts.

1.2 SPECIFIC OBJECTIVES

- A. To collect and analyze data that will measure case processing time for each step in the civil trial process from occurrence to disposition.
- B. To collect and analyze data that identifies and explains the major causes of delay.
- C. To collect and analyze data that will demonstrate the adequacy of court resources for the purposes of handling caseload.

1.3 HOW WILL THE DATA BE USED?

To provide the local committees in each location with some base information from which to assess the current situation and recommend changes.

- resources
- policy and practice changes
- case scheduling techniques

To measure against proposed time periods for case processing times, for different types of cases (fast, standard and complex tracks).

To compare case processing times for different types of cases, different locations, different time periods, and other significant variables.

To assess the need for on-going data collection efforts to supplement existing methods.

To provide the local committee with management information that will assist in evaluating case management.

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1.4 GLOSSARY OF TERMS

CASE:

Any occurrence brought before the court.

ACTIVE CASE:

A case that has not been disposed.

DISPOSED CASE:

A case that has been completed in court, and in respect of which all administrative functions have been completed.

CASE PROCESSING TIME:

Total elapsed time in days, from the date the case was commenced to disposition.

DELAY:

The amount of processing time that exceeds the tolerable waiting period.

EVENT:

Activity that happens in a case. The major events are:

- Occurrence of event
- Initiation of case
- Defence filed
- Motions
- Pre-trial
- Trial
- Disposition

2.0 DATA COLLECTION STRATEGY AND METHOD

2.1 CASES TO BE SURVEYED AND OTHER RULES

The focus of this data collection exercise is on civil cases in the Family, District and Supreme Courts.

Cases to be included in the sample from District and Supreme Court are motor vehicle, contract debt, medical/professional malpractice, construction lien, estates, divorce, family/children law, bankruptcy, trusts, statutory proceedings, extraordinary remedies. Also included are Family Division cases that are brought before a Provincial Court judge: family law, children's law, child protection, adoption, Young Offenders Act, Provincial Offences Act, Support and Custody Orders Enforcement Act, Reciprocal Enforcement of Maintenance Orders Act.

Sampling at 311 Jarvis Street begins on May 15 and at other locations on June 1, 1989.

2.2 CASE PROCESSING TIME

2.2.1 Description

Each location must use the same definition of case processing time and the major events.

To determine the case processing time, cases that have reached disposition will be included in the sample.

The samples will capture the elapsed time between all significant events within the case.

Various types of cases must be included in the sample.

2.2.2 Source of Data

In all locations, cases will be selected in the period after January 1, 1986 and many of the cases will be already disposed cases. The cases will be selected in numeric sequence.

2.2.3 Collection Procedures

1. Obtain information for all cases from the time dates prescribed in each location.
2. Transcribe the required data from the file to the dBase III system.
3. Keep track of information not found in the file on a separate sheet.
4. Review information not found with trial coordinator to determine where it can be located.
5. Record all new information in dBase III system.

2.3 CAUSES OF DELAY

2.3.1 Description

A "cause of delay" is any reason that lengthens the case processing time.

Each location must use the same definition of causes of delay and the major events.

2.4 CASELOAD CHARACTERISTICS

2.4.1 Current Caseload Volumes

The current caseload volumes for each location will be established. Statistics are currently available for number of cases filed during a given period.

- Begin pending stats that determine the number of cases pending at the beginning of the survey that had been filed and had not been disposed.
- End pending stat that determines the number of cases pending at the end of the survey.
- Clearance rate stat that indicates the ratio of the number of dispositions compared to the number of filings.

The data collection survey will provide the median age of disposed cases statistic that indicates the cases that are shown as disposed during the survey period.

3.0 ANALYSIS AND REPORTS

3.1 REPORTS

From the large volume of data that will be collected, a number of basic reports will be produced. They will be available for all pilot locations on a routine basis.

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3.1.1 Summary Reports/Location

The types of reports that may be produced include:

1. Case processing times by type of case.
2. Number of activities before trial date is set.
3. Percent of pending cases by age.
4. Elapsed time from case being commenced to the case set down for trial.
5. Number of pre-trials.
6. Number of trials set.
7. Actual vs. scheduled trial/preliminary times.
8. Number of motions and days prior to trial.

3.1.2 Detailed Analysis Reports

In addition to basic reports, it will be possible to produce a number of more analytical or "what if" type reports which may explain certain characteristics of each process.

The types of reports that may be included in this category are:

1. Effect of pre-trials in time to disposition.
2. Impact of lengthy disposition time.
3. Impact on the length of trial.

Divorce Action Survey - Data Fields Collected

The following list encompasses the data collected for the divorce action survey.

AA	Case ID Number
AA	Court Location
AA	Petitioner's Name
AA	Petitioner's Sex
AA	Petitioner's Birth Date
UA	Petitioner's Lawyer
AA	Respondent's Name
AA	Respondent's Sex
AA	Respondent's Birth Date
OA	Respondent's Lawyer
AA	Date of Filing of Petition
AA	If There was a Joint Petition
AA	Remedy(s) Sought: (divorce, custody, access, support)
AA	Grounds for Divorce: (adultery, cruelty, separation)
AA	If There was Property Involved
AA	Type of Property Involved: (house, condominium, apartment, business, investments, pension)
AA	Type of Division Requested: (equal, unequal, constructive trust)
RA	If an Oral Hearing was Held
UA	Date of Service of Petition
AA	Date of Filing of Answer
AA	Date of Service of Answer
AA	Filing Date of Reply to Answer to Petition
AA	Service Date of Reply to Answer to Petition
UA	Filing Date of Petitioner's Financial Statements
UA	Filing Date of Respondent's Financial Statements
UA	Date Counter Petition Filed
RA	First Examination Date
RA	Last Examination Date
UA	Date Trial Record Filed
RA	Date Notice of Listing for Trial Filed
RA	Date of Reference Hearing
OA	Date Case was Set for Trial
RA	Date of Pre Trial
UA	Trial Date
AA	Judgement Date
RA	Date Divorce Certificate Issued

Legend: AA - Always Available
 UA - Usually Available
 OA - Occasionally Available
 RA - Rarely Available

Family Law Application Survey - Data Fields Collected

The following list encompasses the data collected for the family law application survey.

AA	Case ID Number
AA	Court Location
AA	Applicant's Name
AA	Applicant's Sex
RA	Applicant's Birth Date
UA	Applicant's Lawyer
AA	Respondent's Name
AA	Respondent's Sex
RA	Respondent's Birth Date
UA	Respondent's Lawyer
AA	Type of Application: (original, variation)
AA	Is Custody Being Sought
UA	Number of Children
UA	Dates of Birth of Children
AA	Is Support Being Sought
AA	Is a Division of Assets Sought
UA	Type of Property Involved: (house, condominium, apartment, business, investments, pension)
UA	Type of Division Requested: (equal, unequal, constructive trust)
AA	Are Other Claims Being Sought
AA	Type(s) of Other Claims: (restraining order, annulment, partition sale, register a domestic contract, index support, other)
AA	Date of Marriage
UA	Date of Separation
AA	Date of Filing of Application
AA	Filing Date of Appearance Notice
AA	Date of Filing of Counter Application
AA	Date Interim Order(s) Signed
RA	Reference Hearing Date
RA	Date of Pre Trial
AA	Hearing Date
AA	Decision Date
AA	Type of Decision

Legend: AA - Always Available
 UA - Usually Available
 OA - Occasionally Available
 RA - Rarely Available

Toronto Supreme Court
Family Law Statement of Claim Survey

The following list encompasses the data collected for the Toronto supreme court family law statement of claim survey.

AA	Court Location
AA	Case ID Number
AA	Plaintiff's Name
AA	Plaintiff's Lawyer
OA	Change of Plaintiff's Lawyer
AA	Defendant's Name
OA	Defendant's Lawyer
RA	Change of Defendant's Lawyer
UA	Date of Action
AA	Date Statement Was Filed in Court
OA	First Date of Service of Statement of Claim
RA	Last Date of Service of Statement of Claim
AA	Type of Case (Family Law, Children's Law, Family/Children's Law, Declarations)
AA	Date Statement of Defence is Served
UA	Date of the First Motion
UA	Date of the Last Motion
RA	Date that a Matter was Assigned to a Pretrial
RA	First Pretrial Date
RA	First Trial Date
RA	Last Trial Date
RA	Date Trial Began
RA	Date Trial Ended
RA	Number of Trial Days
RA	Number of Trials Scheduled
AA	Type of Disposition
UA	When Disposition Occurred
AA	Date the Judgment of Court was Issued
UA	Date on Which any Order was Issued

Legend: AA - Always Available
 UA - Usually Available
 OA - Occasionally Available
 RA - Rarely Available

TYPES OF DISPOSITION

The potential dispositions that may be encountered are as follows:

NO DISPOSITION (N.D.): This category should be used when there is no apparent judgment order or notice of dismissal, or some type of final action taken by the court in relation to a case. Cases in this category will then be analyzed as to whether there was a statement of defence filed and as to the age of the case.

DEFAULT: These include all cases where a default judgment or order was obtained.

DISMISSAL: Caution must be taken when using this categorization. Often cases will be dismissed after an agreement or settlement has been reached by the parties. In such a situation, the true disposition is a settlement which results in a dismissal of a case. The dismissal categorization should be used only where a case is dismissed by the court for want of action, or some conduct on the part of one of the parties. This includes cases which are struck off the trial list by the court.

SETTLEMENT: This will be the largest single category. It includes a consent settlement before trial, settlements during trial, and motions to discontinue as a result of a settlement. As with the other disposition types, once categorization has been made, the next important factor is to determine the time when the disposition was obtained. We are interested not only in whether there was a settlement, but whether that settlement occurred before the pleadings were closed, or after a pretrial, etc.

TRIAL: This category includes only those cases which involved a full trial, and resulted in a decision or judgment of the court. Those cases which resulted in a trial should not be included in this category.

NOTICE OF DISCONTINUANCE: This category is used when a notice of discontinuance is filed and there is no indication of a settlement.

<u>Court</u>	<u>Type of Proceeding</u>	<u># Filed in 1986</u>	<u>Sample Size</u>	<u>Sample Date Range</u>	<u>Date Sample Collected</u>	<u>Sample Updated</u>	<u>Method of Sample Collection</u>
Supreme Court of Ontario (Toronto)	Statement of Claim	462	175	Jan. 2/86- June 19/86	Sept.- Oct. 1989	Sept. 6/91	Approx. every file in first half of the year
	Divorce Petition	11,216	520	Jan. 2/86- Dec. 31/86	July 1990	Sept. 6/91	21 random blocks of approx. 24 consec. cases
	Application	982	245	Jan. 2/86- Dec. 31/86	Aug. 1990	Sept. 6/91	Every 4th file

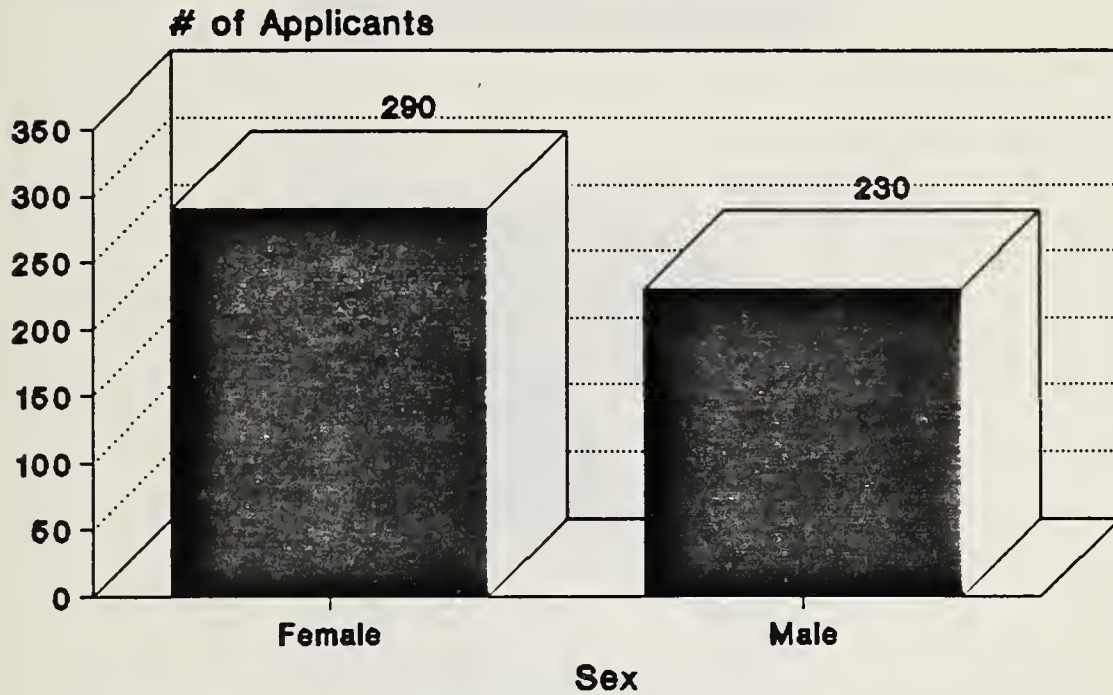
FAMILY LAW DIVORCE SURVEY

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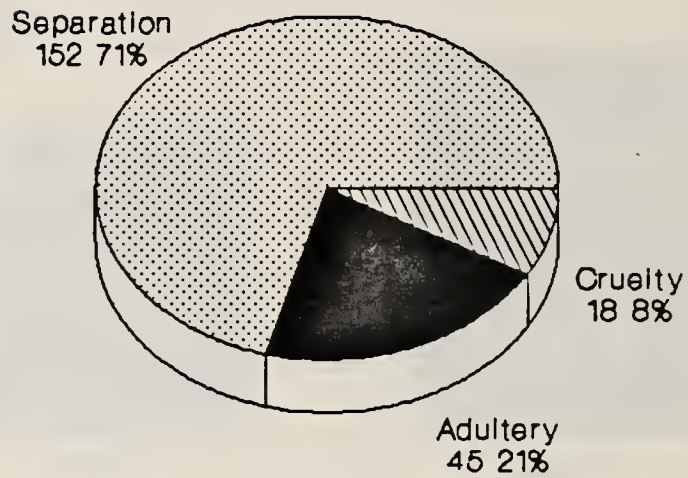
Divorce Actions

Number of Petitioners Broken Down by Sex

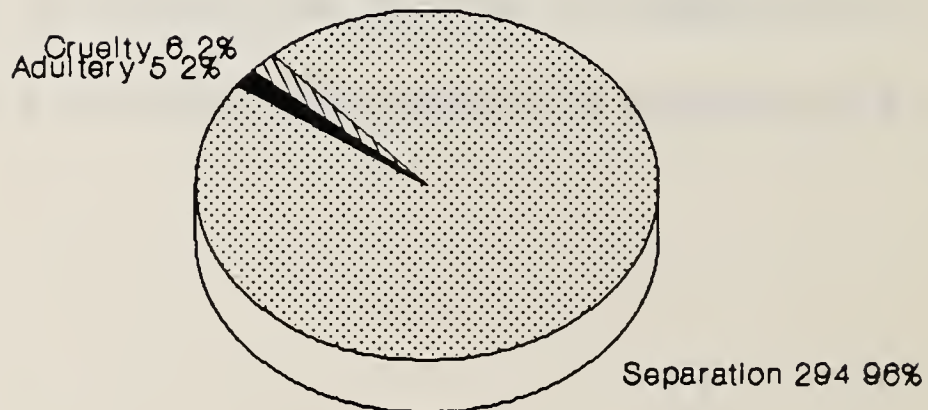


- Percentage of female petitioners is 56%
- Percentage of male petitioners is 44%

Divorce Actions Breakdown of Cases by Grounds For Divorce

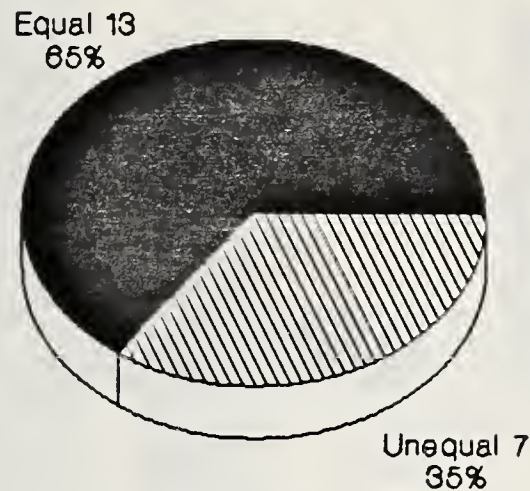


Pre June 1, 1986



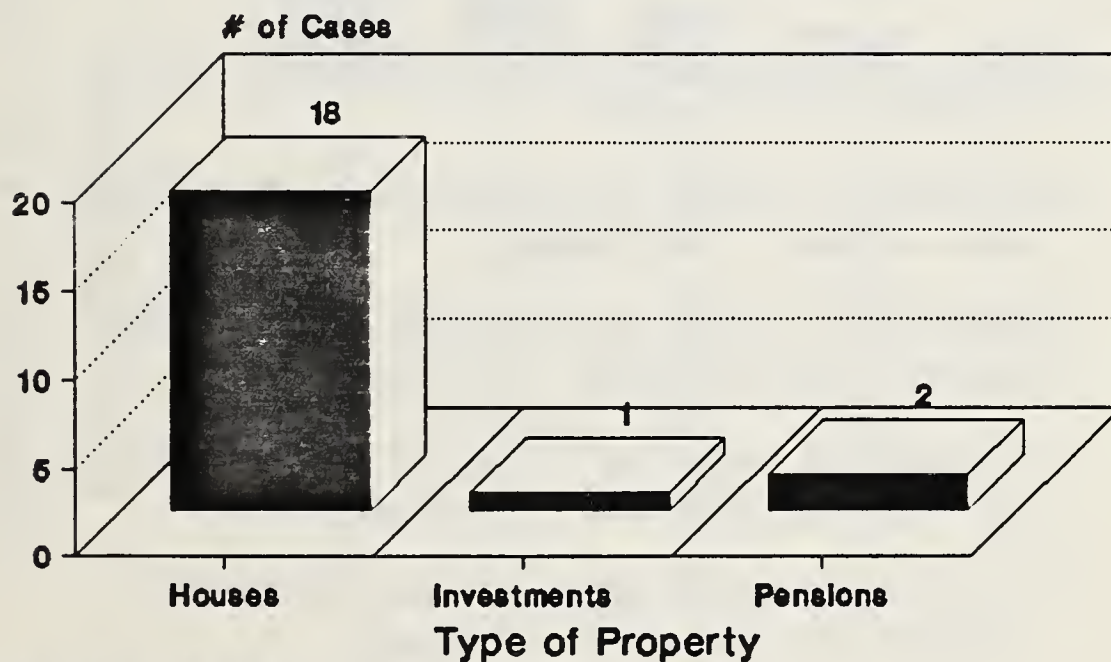
Post June 1, 1986

Divorce Actions Breakdown by Type of Division for Cases Involving Property



Total number of cases involving property = 20 (4%)

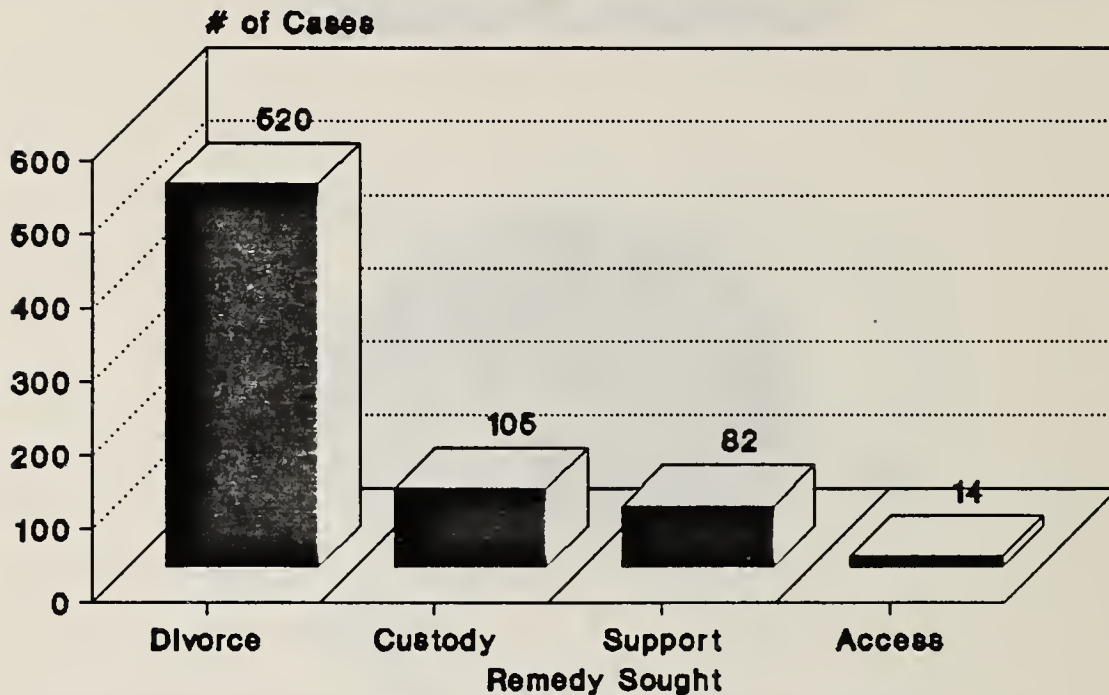
Type of Property Involved



Note: One case involved both a house and a pension

Divorce Actions

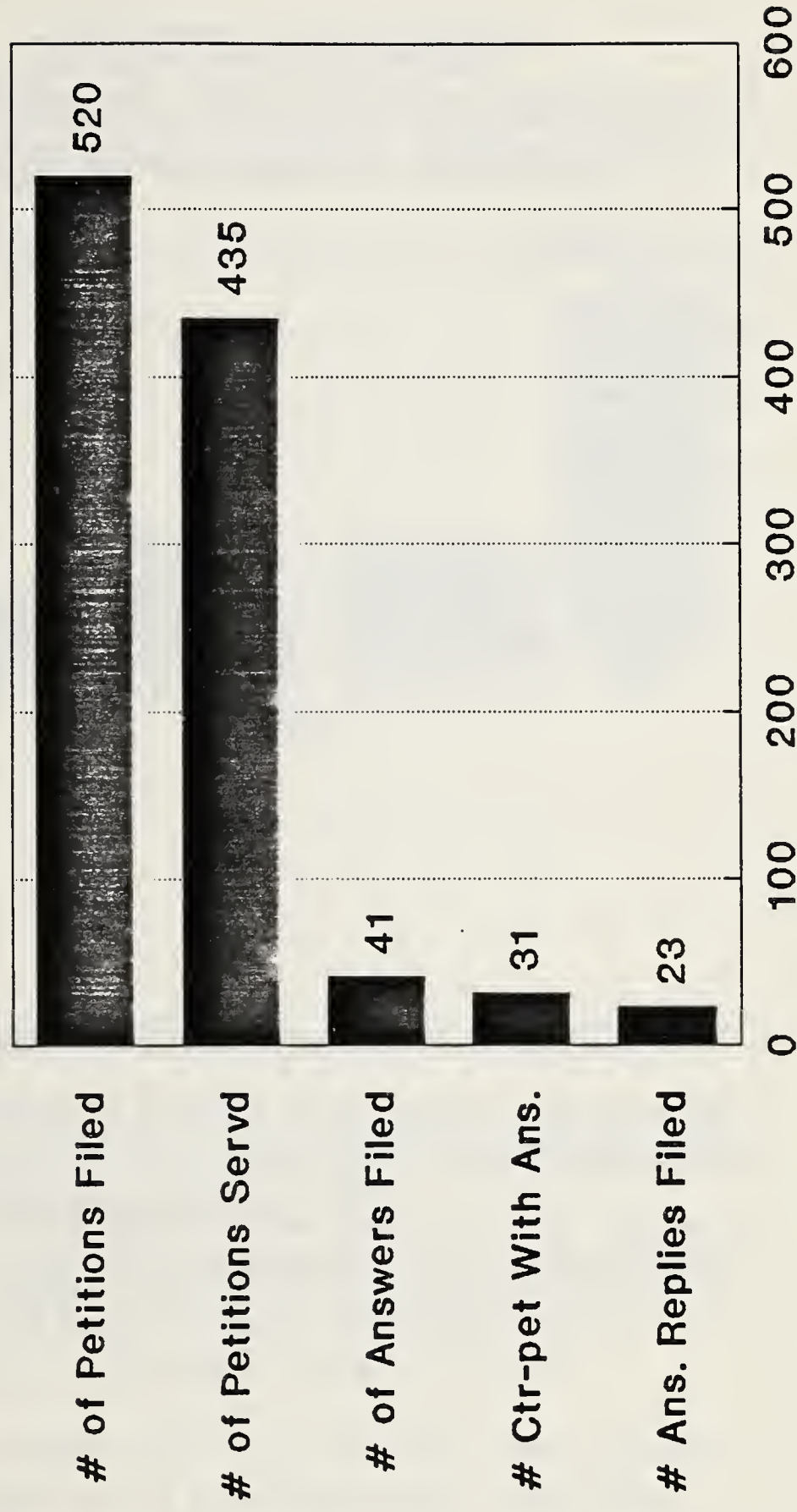
Breakdown of Cases by Remedy Sought



- Number of cases with divorce as the only remedy = 401 cases
- Number of cases with more than just divorce as a remedy = 119 cases
- Number of cases with divorce and custody as the only remedies = 27 cases
- Number of cases with divorce and support as the only remedies = 9 cases
- Number of cases with divorce and access as the only remedies = 5 cases

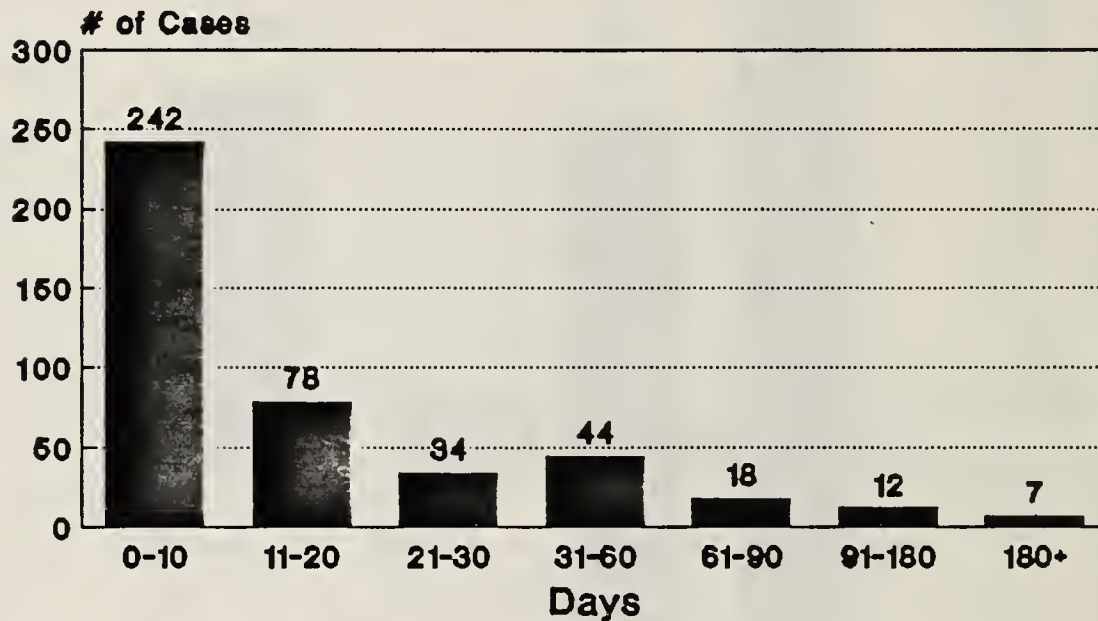
Divorce Actions

Number of Cases Completing Various Progressive Stages of Proceedings



Divorce Actions

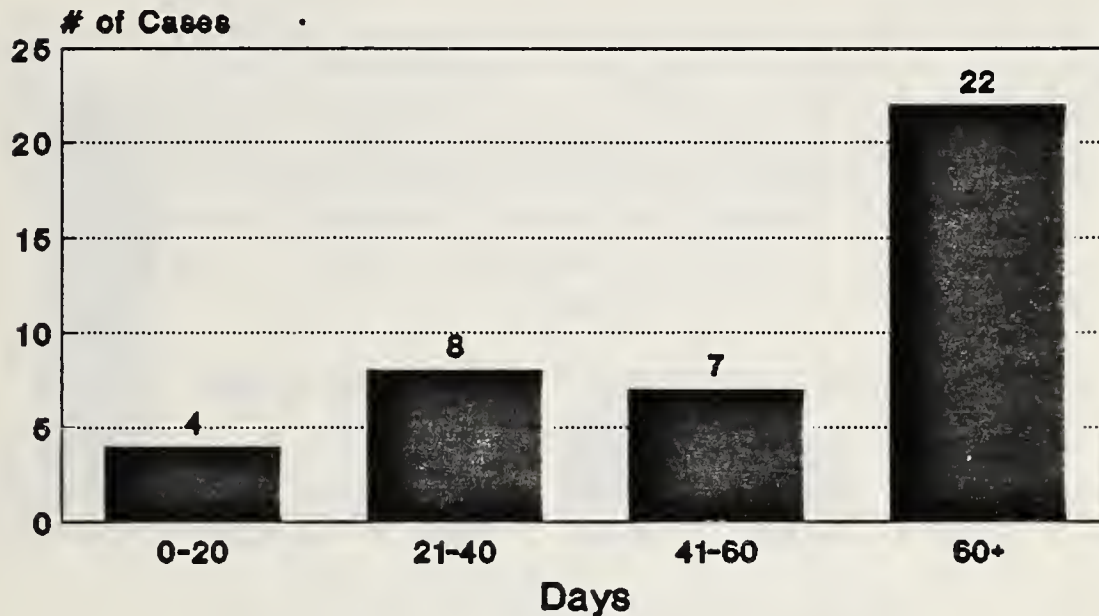
Time Between Date the Petition is Filed and Date of Service of Petition



- Total number of cases with service of petition = 435
- Percentage of cases with service of petition taking 30 days or less = 81%
- Average time from the petition filing date to the date of service of the petition = 23 days

Divorce Actions

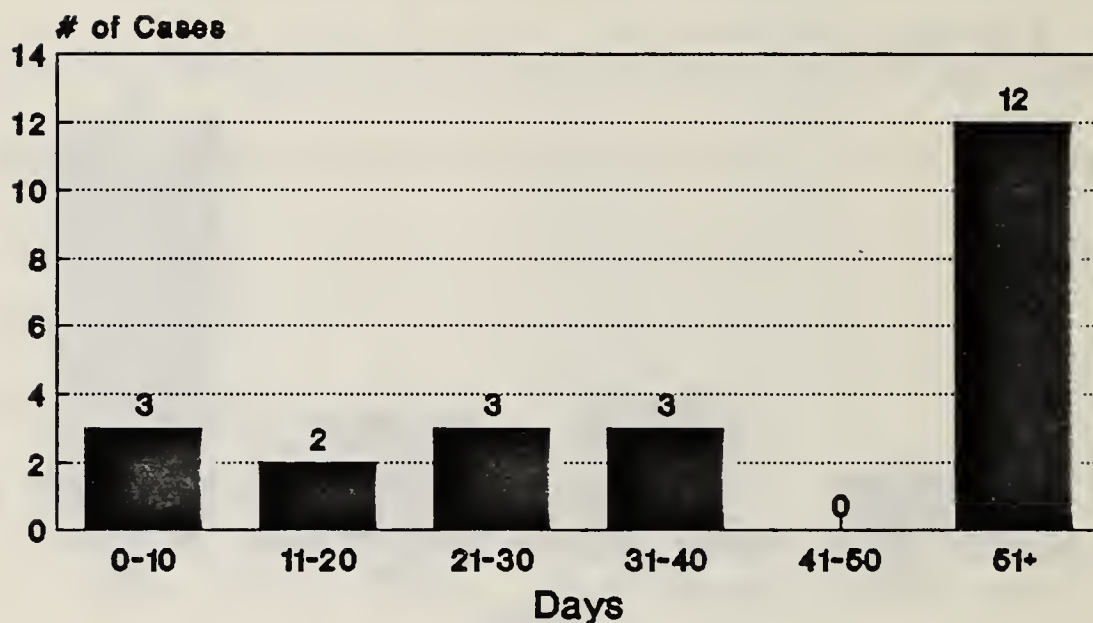
Time Between Date Petition is Filed and
Filing of Answer or Ans. & Counterpet'n



- Total number of cases with an answer filed
▪ 41
- Total number of cases with a counterpetition
filed with the answer ▪ 31
- The average time from the date the petition
was filed to the answer filing date was
134 days, the median was 70 days
- The average time from the date the petition
was filed to the counterpetition filing date
was 135 days, the median time was 59 days

Divorce Actions

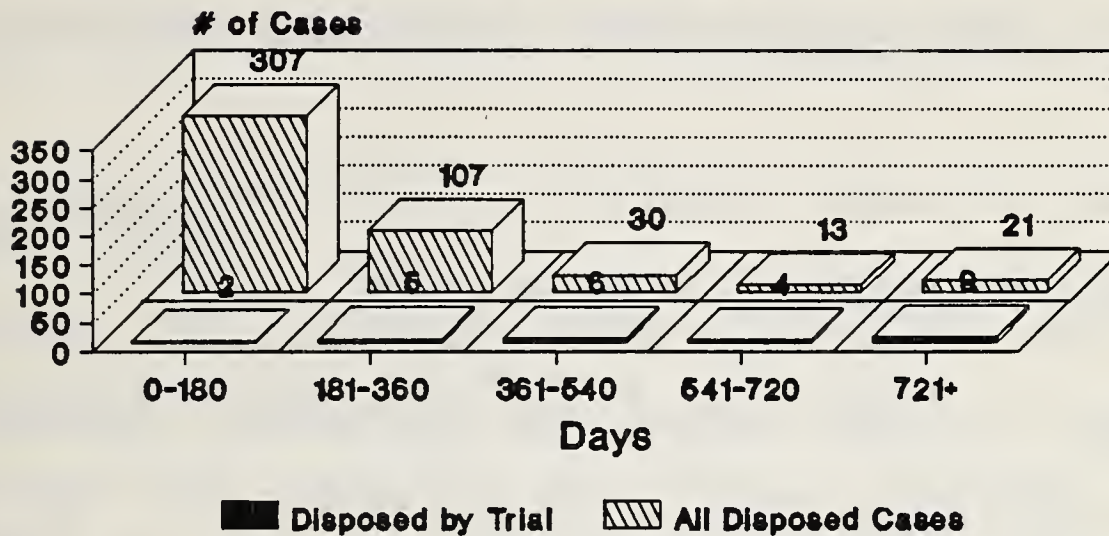
Time Between Service of Answer and Reply to Answer



- Total number of cases with a reply to answer filed = 23
- Average time from service date of answer to the reply to the answer = 159 days
- Median time from service date of answer to the reply to the answer = 75 days

Divorce Actions

Time Between Filing Petition and Judgment Date



Note: Judgment date = date of decree
final for pre June 1, 1988 cases and date
judgment granted for post June 1, cases

- Total number of cases with a judgment date = 478
- Total number of cases undisposed = 26
- Total number of cases ended by a notice of discontinuance = 16
- Total number of cases disposed by trial = 26
- Time from filing of petition to judgment date for all disposed cases:
 - Average Time = 216 days
 - Median Time = 143 days
 - 75th Percentile = 226 days
 - 90th Percentile = 436 days
- Time from filing of petition to judgment date for cases disposed by trial:
 - Average Time = 618 days
 - Median Time = 534 days
 - 75th Percentile = 805 days
 - 90th Percentile = 1079 days

Divorce Actions

Cases Claiming Support or Division of Property

- **Number of cases involving a claim for support or a division of property ▪ 89 or 17%**
- **Number of cases where the petitioner's financial statements were filed ▪ 76 or 14%**
- **Number of cases where the respondent's financial statements were filed ▪ 26 or 5%**

Divorce Actions

Additional Information

Average Times

- * Average time between filing of petition and filing of counter petition is 135 days
- * Average time between the date a counter petition is filed and the date judgment is signed is 456 days

Cases Involving Children

- * Number of cases in which custody is being sought is 105 (20%)
- * Number of cases in which access is being sought is 14 (3%)
- * Number of cases in which either custody or access is being sought is 110 (21%)

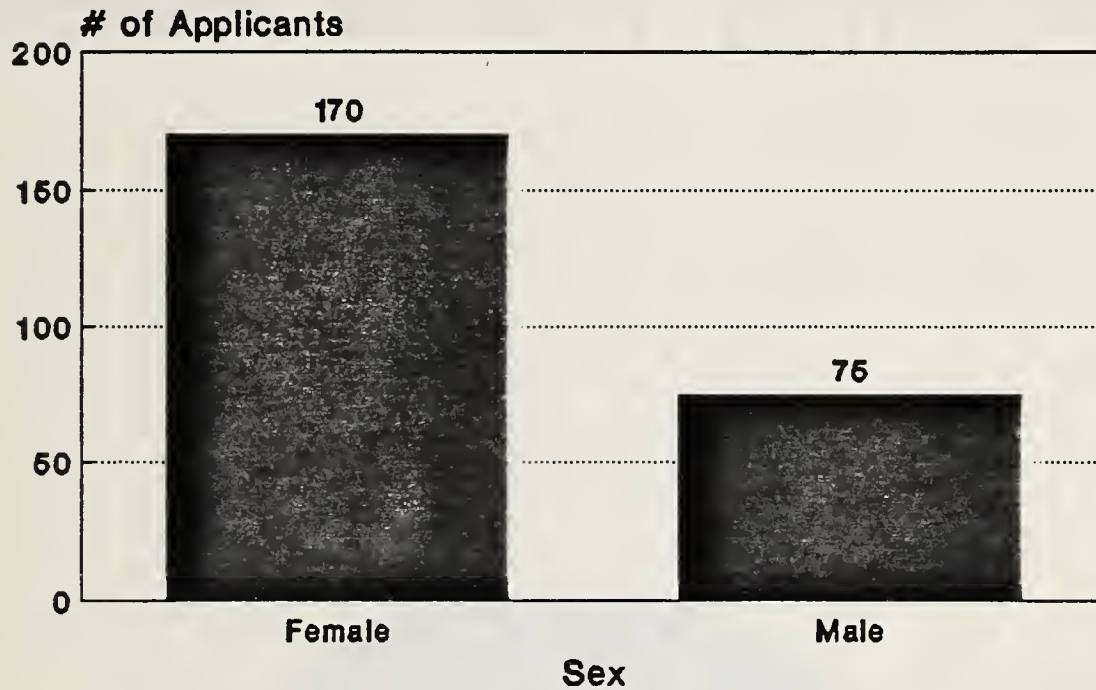
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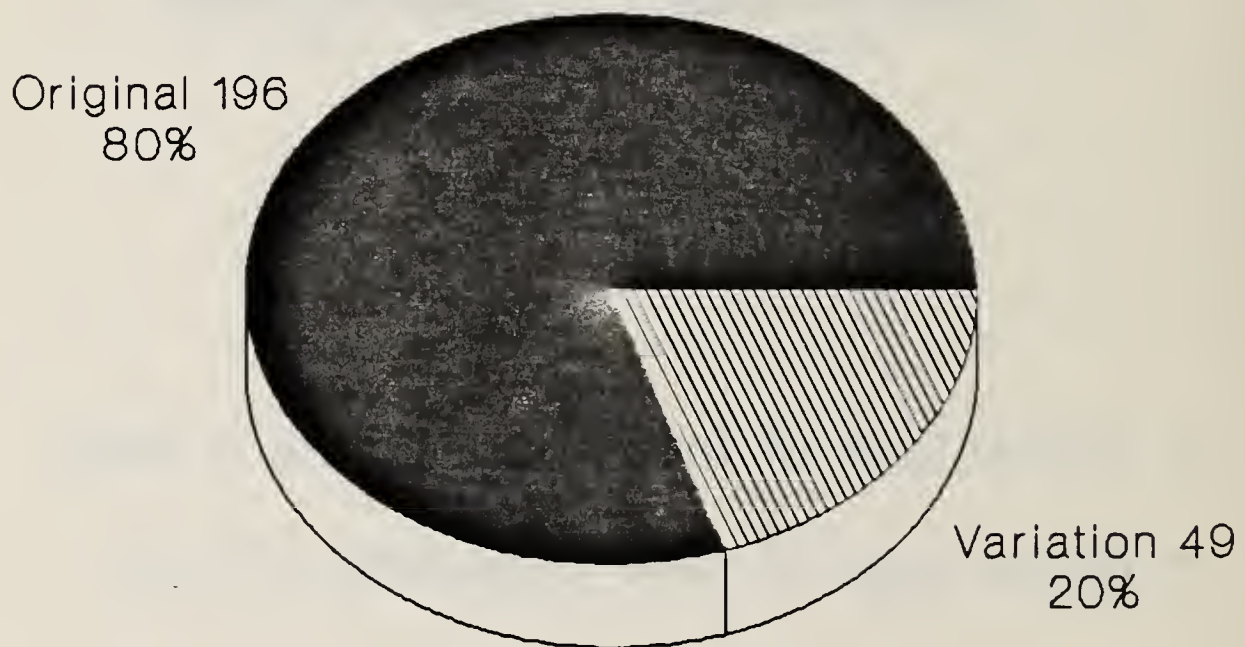
Family Law Applications

Number of Applicants Broken Down by Sex



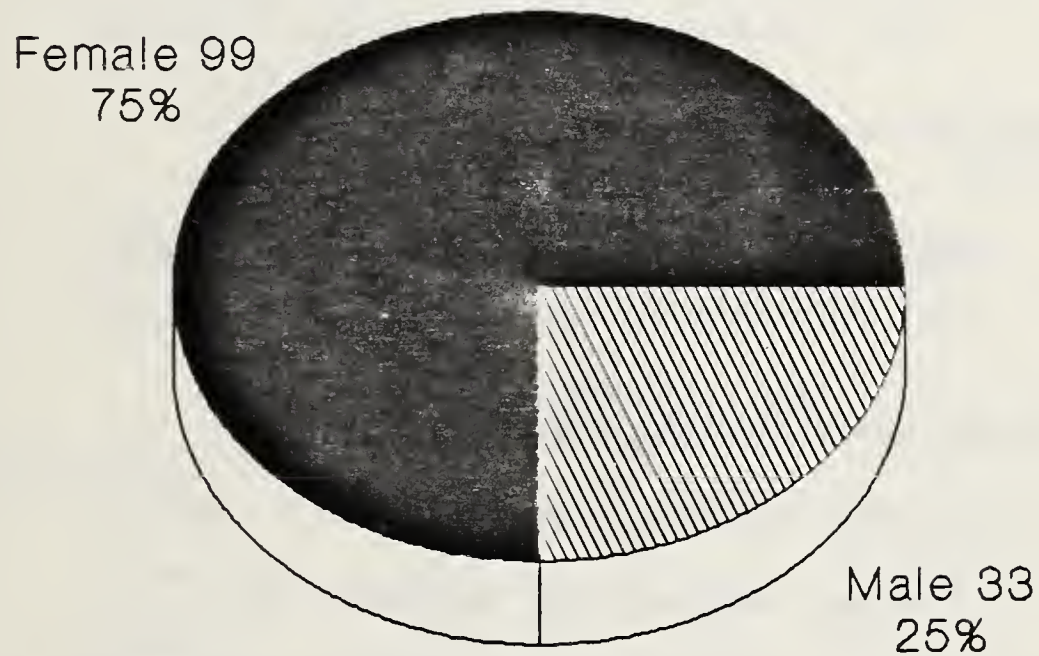
- Percentage of female applicants is 69%
- Percentage of male applicants is 31%

Family Law Applications Breakdown by Type of Application

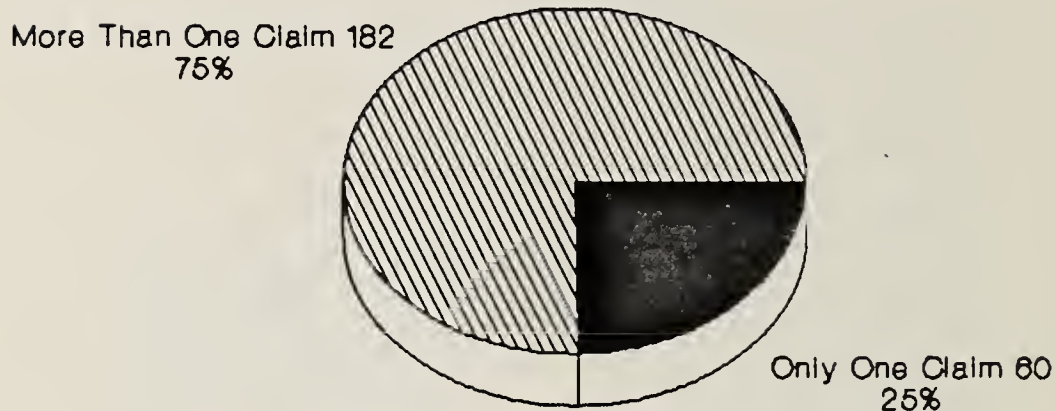


Family Law Applications

Breakdown of Applicants Claiming Custody



Family Law Applications Breakdown of Cases by Claim



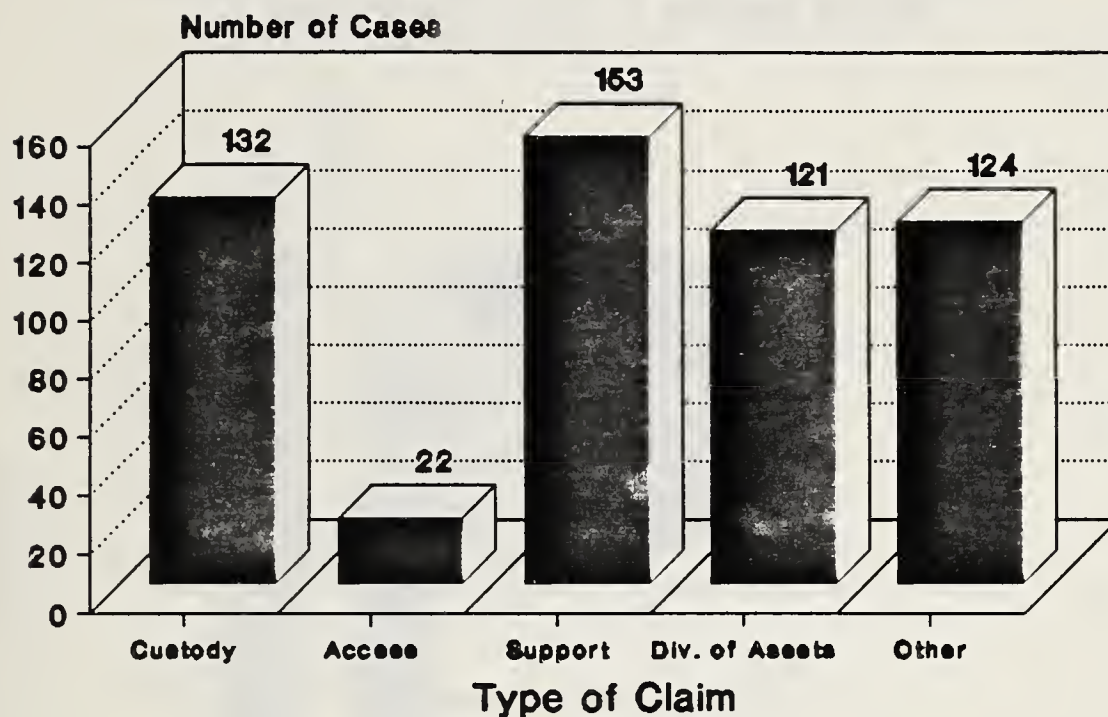
Note: Information was not available for
3 of the cases

Breakdown of Cases by Type of Claim

- # of cases claiming only Custody - 19
- # of cases claiming only Access - 7
- # of cases claiming only Support - 18
- # of cases claiming only a Division of Assets - 8
- # of cases claiming only Other - 8

Family Law Applications

Breakdown of Cases by Type of Claim



Family Law Applications

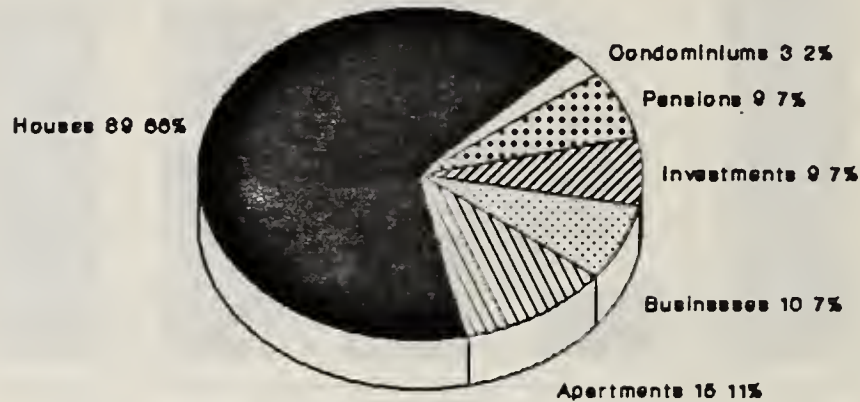
Disposed Cases by Disposition and Claim Type

Type of Claim	Disposition Type				
	SBH	AH	DEF	NOD	DIS
Custody	59	15	7	16	0
Access	10	4	4	1	0
Support	70	14	9	19	1
Div of Assets	59	12	4	15	0
Other	50	12	7	15	1

(Note: Cases may contain multiple claims)

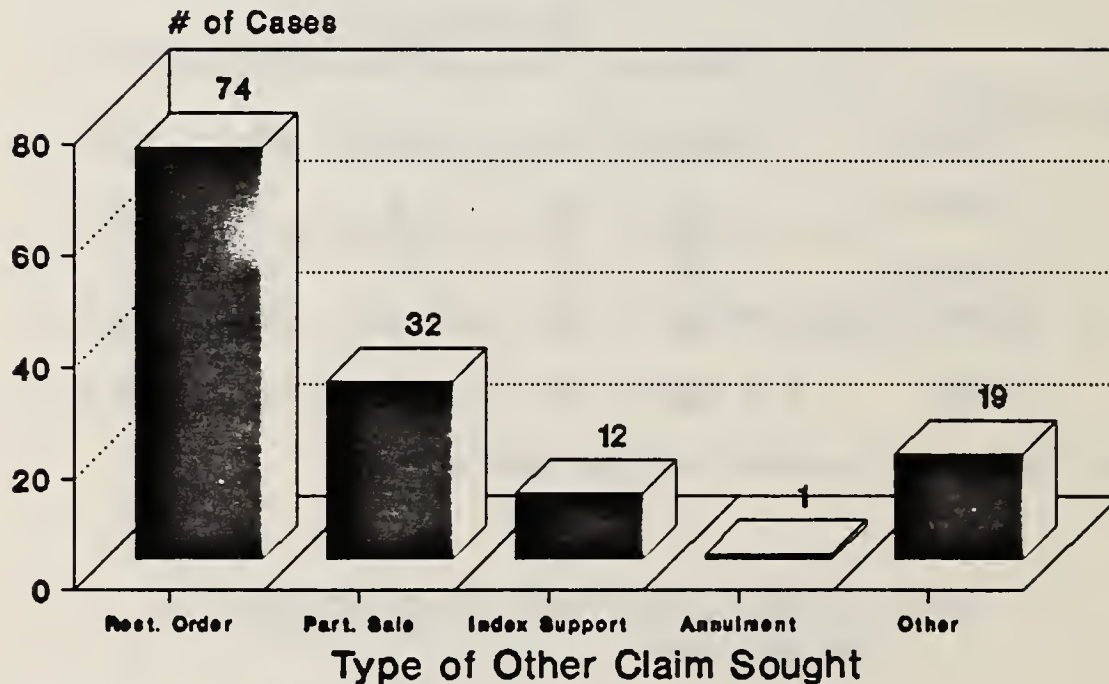
Legend: SBH-Settled Before Hearing, AH - Application Hearing
DEF - Default, NOD - Notice of Discontinuance,
DIS - Dismissed

Family Law Applications Breakdown by Type of Property for Cases Which Involve a Claim for Property



Note: 10 cases register 2 or more claims

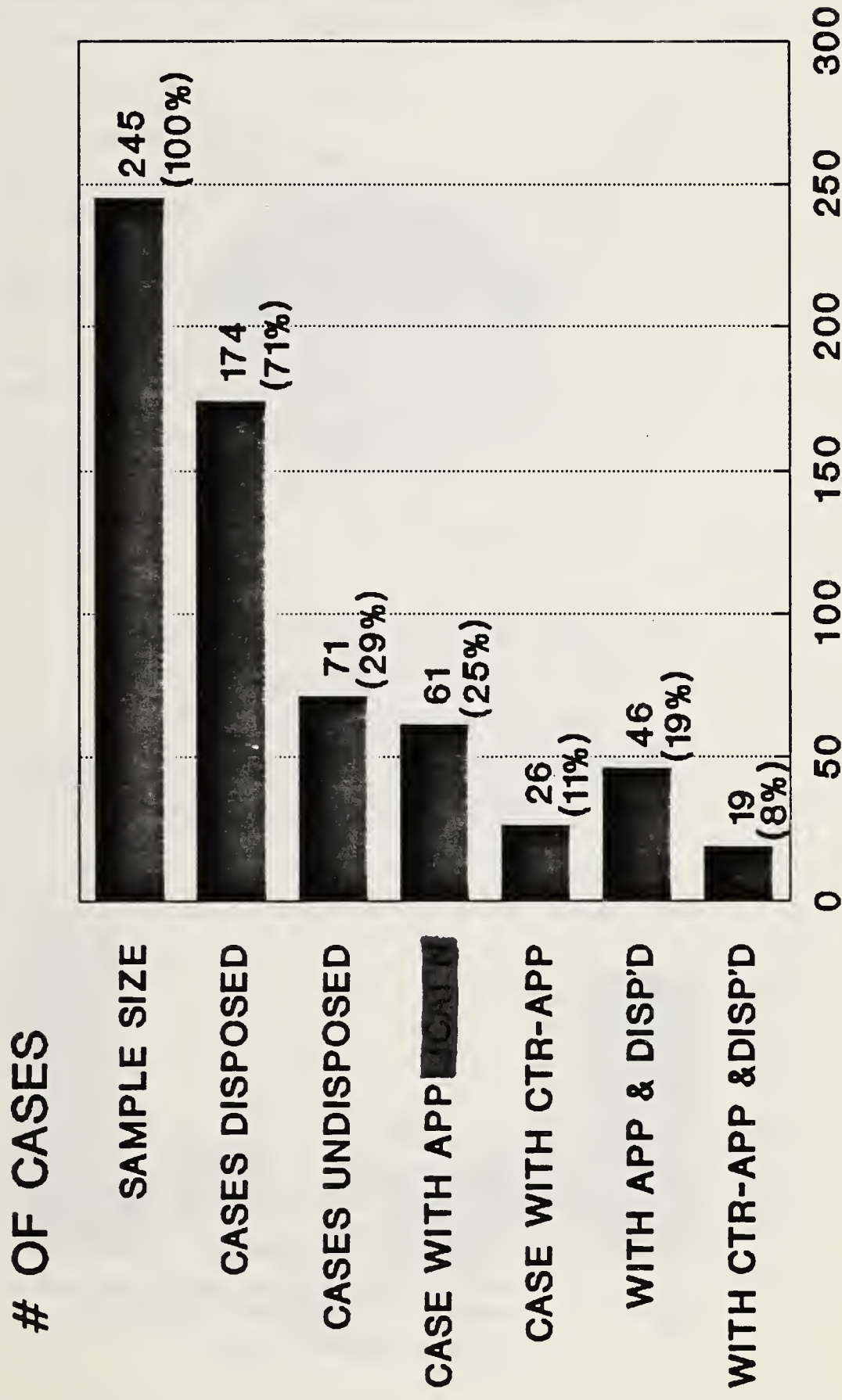
Family Law Applications Breakdown by Type of Other Claims Sought



Note: 13 cases register more than one claim

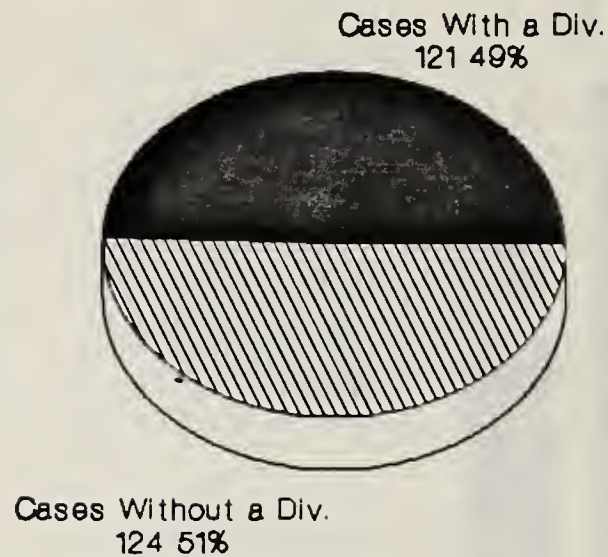
Family Law Applications

Breakdown of Cases

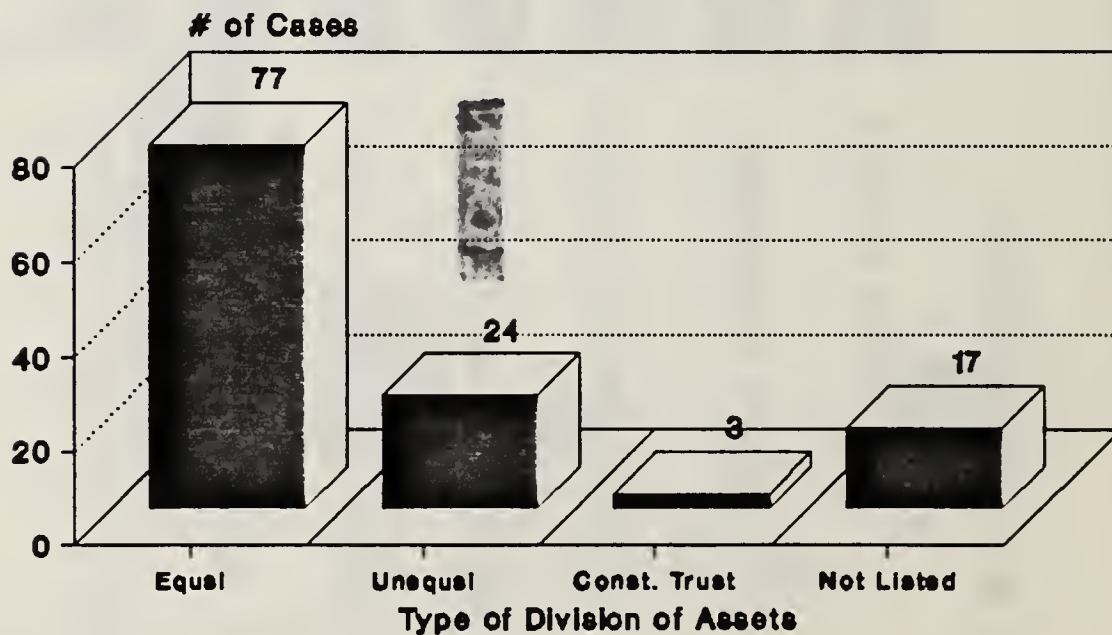


Family Law Applications

Percentage of Cases Claiming a Division of Assets



Breakdown by Type of Division of Assets Claimed



Family Law Applications Breakdown by Disposition

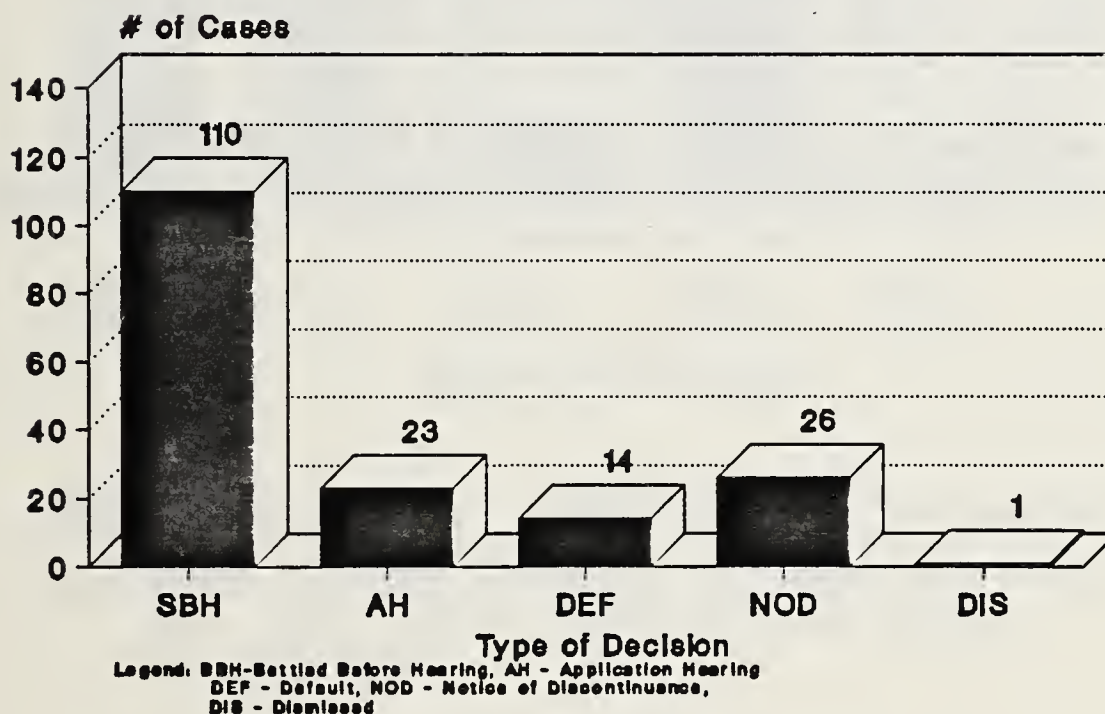
Total sample consists of 245 cases, of which:

- 71 cases (29%) are undisposed
- 174 cases (71%) are disposed

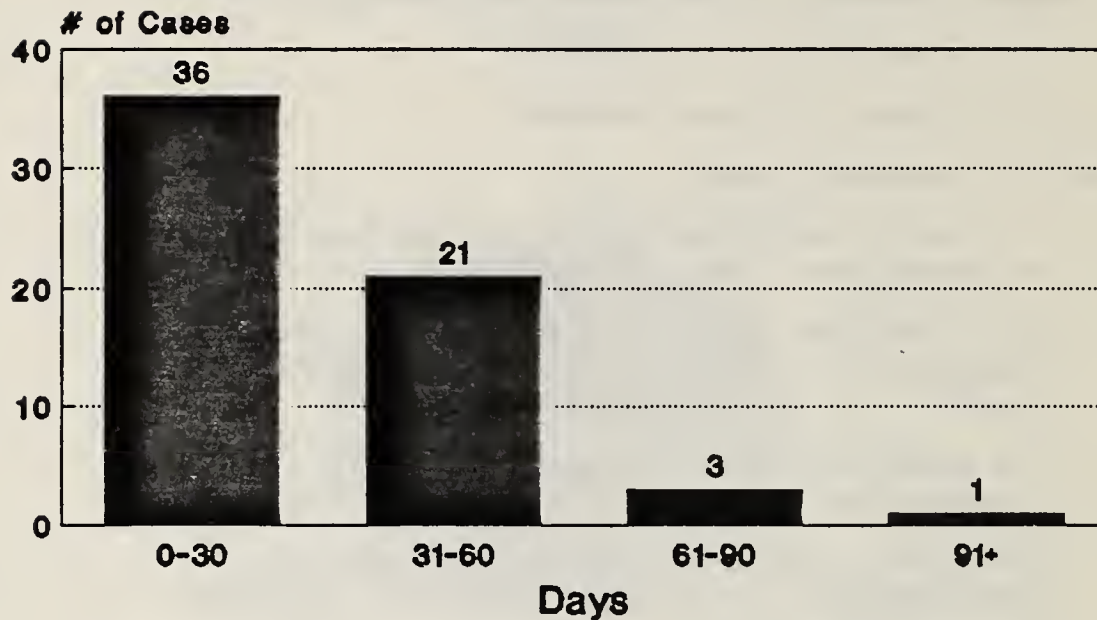
Of the 174 disposed cases:

- 110 cases (45%) were settled before hearing; 12 of these cases had a counter application filed
- 23 cases (9%) were disposed by an application hearing; 5 of these had a counter application filed
- 14 cases (5%) were disposed by default; 1 of these cases had a counter application filed
- 26 cases (11%) were disposed by notice of discontinuance; 1 of these cases had a counter application filed

Family Law Applications Breakdown of Decision Types For All Disposed Cases



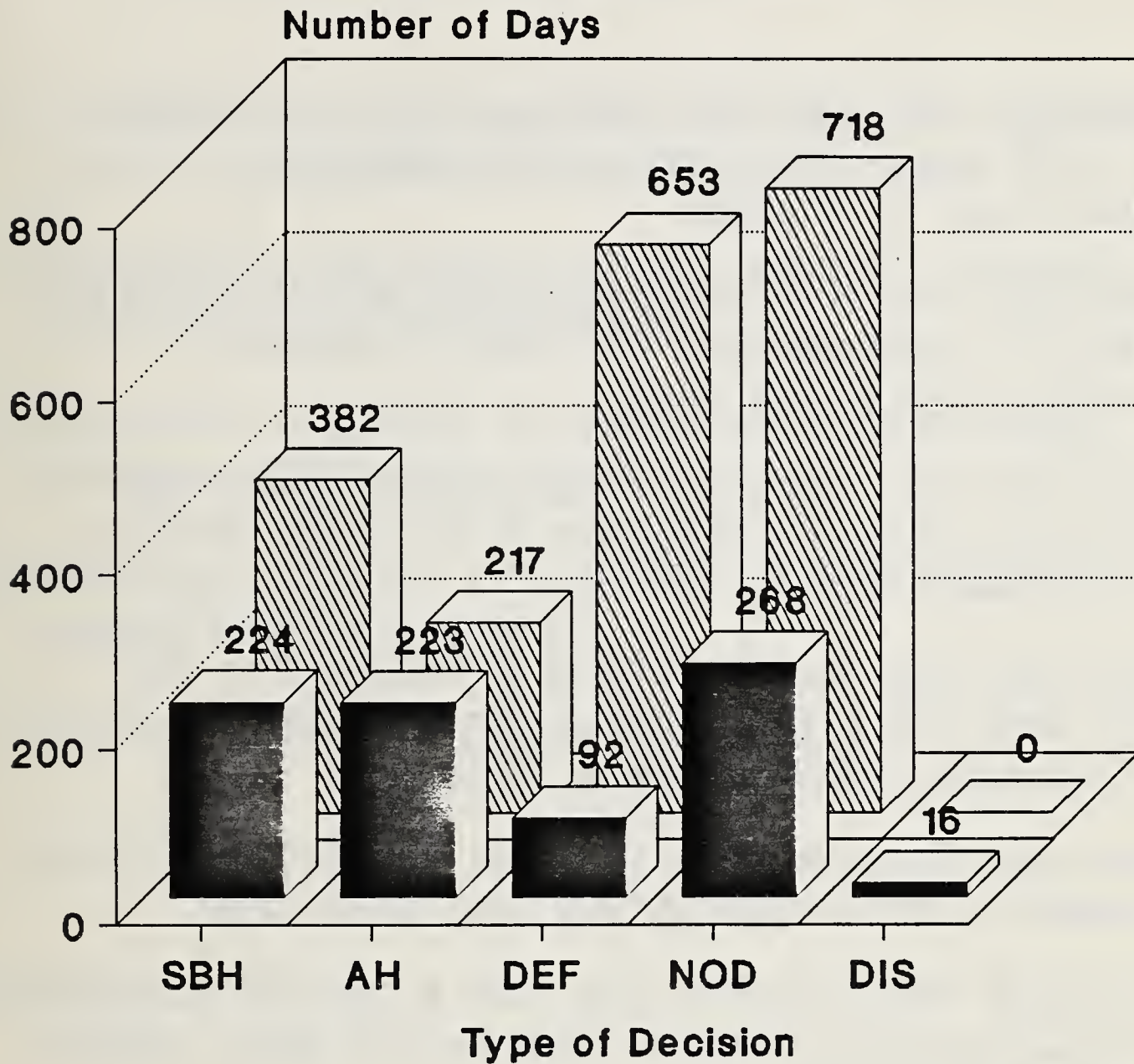
Family Law Applications Time Between Filing Application and Filing Notice of Appearance



- Total number of cases with a filing date of notice of appearance = 61
- Average time between date of filing application and filing date of notice of appearance = 29 days

Family Law Applications

Average Time Between Date of Filing Application and Decision Date



■ All Disposed ▨ Disp'd & Ctr-App Fil

Legend: SBH-Settled Before Hearing, AH - Application Hearing
DEF - Default, NOD - Notice of Discontinuance,
DIS - Dismissed

Family Law Applications

Average Times

- Average time between marriage and separation is 4127 days (11.3 years), median time is 2091 days (5.7) years
- Average time between separation and the date of filing an application is 507 days (1.4 years), median time is 157 days
- Average time between filing of application and filing of counter application is 109 days, median time is 42 days
- Average time between filing of application and the date the first interim order is signed is 38 days, median time is 12 days
- Average time between the first and second interim orders is 241 days, median time is 93 days
- Average time between the date a counter application is filed and the decision date is 293 days, median time is 129 days

Family Law Applications

Cases Involving Children

- Number of cases where there is one or more child in the family ▪ 189 cases (77%)
- Number of cases in which custody is being sought ▪ 132 cases (54%)
- Number of cases in which access is being sought ▪ 22 cases (9%)
- Average number of children is 2 in cases which involve children
- Child's average age is 14.3 years

Family Law Applications Information On Undisposed Cases

- **Total number of undisposed cases is 71
(29% of total survey)**
- **Number of undisposed cases with an appearance
notice filed is 15 (21% of undisposed cases)**
- **Number of undisposed cases with at least one
interim order is 47 (66% of undisposed cases)**
 - **1 interim order - 22 cases (31%)**
 - **2 interim orders - 25 cases (35%)**
- **Number of undisposed cases with an appearance
notice and at least 1 interim order is 10
(14% of undisposed cases)**
- **Number of undisposed cases without an appearance
notice filed or at least 1 interim order is 19
(27% of undisposed cases)**
- **Average time between filing application and the
first interim order is 41 days for undisposed cases**
- **Average time between filing application and the
second interim order is 327 days for undisposed
cases**
- **Average time between filing an appearance notice
and survey date is 1839 days (5.04 years)**
- **Average time between the date of the last interim
order and the survey date is 1683 days (4.61 years)**

FAMILY LAW STATEMENT OF CLAIM SURVEY

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**TORONTO SUPREME COURT - FAMILY LAW SURVEY
CASE TYPE BREAKDOWN**

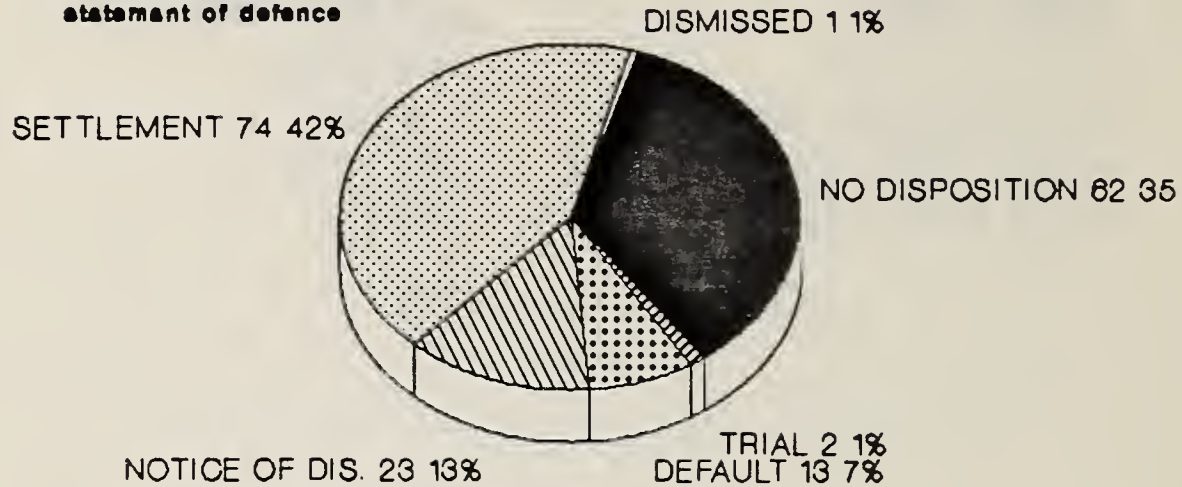
<u>CASE TYPE</u>	<u># OF CASES (%)</u>
FAMILY LAW	93 (53)
CHILDREN'S LAW	8 (4)
FAMILY/CHILDREN'S LAW	64 (37)
DECLARATIONS	10 (6)
TOTAL	175

**TORONTO SUPREME COURT - FAMILY LAW SURVEY
OF DISPOSED AND UNDISPOSED CASES**

<u>CASE TYPE</u>	<u>#DISPOSED(%)</u>	<u>#UNDISPOSED(%)</u>
FAMILY LAW	62 (35)	31 (18)
CHILDREN'S LAW	5 (3)	3 (2)
FAMILY/CHILDREN'S LAW	41 (23)	23 (13)
DECLARATIONS	5 (3)	5 (3)
TOTAL	113 (64)	62 (36)

TORONTO SUPREME COURT -FAMILY LAW SURVEY DISPOSITION TYPES

of the 62 undisposed
cases, 29 had filed a
statement of defence



TORONTO SUPREME COURT - FAMILY LAW SURVEY DISPOSITIONS TYPE FOR ALL DISPOSED CASES

	S	D	NOD	DIS	TR	TOTAL
FAMILY LAW.	42	5	14	1	0	62
CHILDREN'S LAW	5	0	0	0	0	5
FAMILY/CHILDREN'S LAW	25	5	9	0	2	41
DECLARATIONS	2	3	0	0	0	5

LEGEND: S - settlement DIS - dismissed
D - default TR - trial
NOD - notice of discontinuance

**TORONTO SUPREME COURT - FAMILY LAW SURVEY
DISPOSITION TYPES - DEFENDED AND DISPOSED CASES**

	S	D	NOD	DIS	TR	TOTAL
FAMILY LAW	20	0	1	0	0	21
CHILDREN'S LAW	4	0	0	0	0	4
FAMILY/CHILDREN'S LAW	15	1	1	0	2	19
DECLARATIONS	1	0	0	0	0	1

LEGEND: S - settlement

D - default

NOD - notice of discontinuance

DIS - dismissed

TR - trial

**TORONTO SUPREME COURT - FAMILY LAW SURVEY
DISPOSITION TYPES - UNDEFENDED AND DISPOSED CASES**

	S	D	NOD	DIS	TR	TOTAL
FAMILY LAW	22	5	13	1	0	41
CHILDREN'S LAW	1	0	0	0	0	1
FAMILY/CHILDREN'S LAW	10	4	8	0	0	22
DECLARATIONS	1	3	0	0	0	4

LEGEND: S - settlement

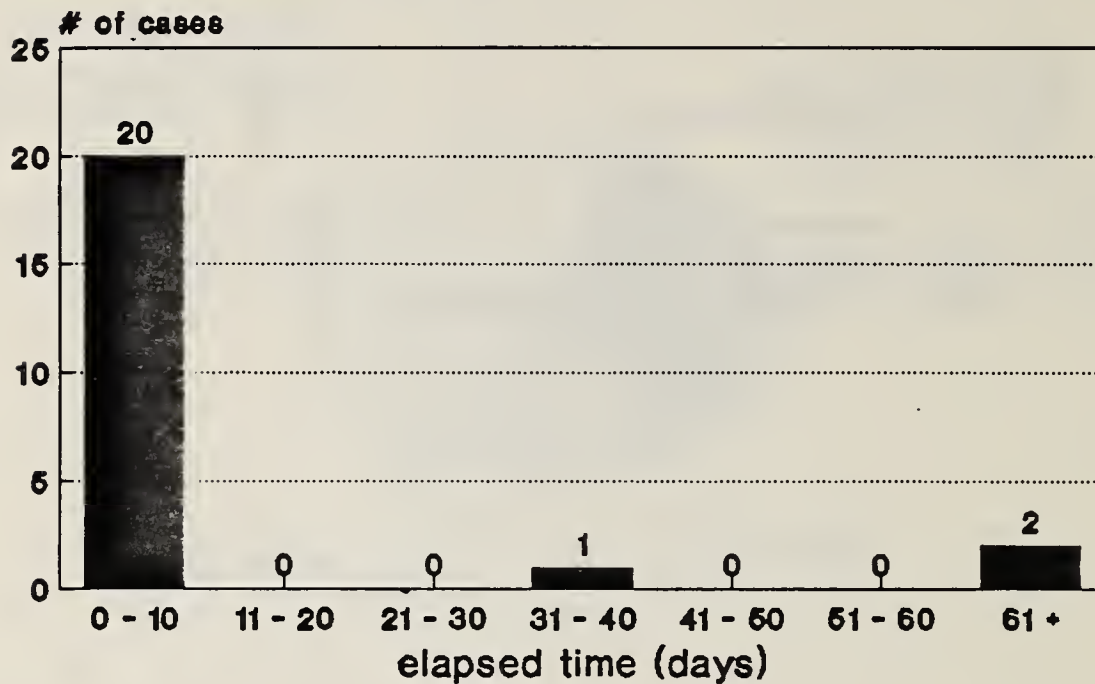
D - default

NOD - notice of discontinuance

DIS - dismissed

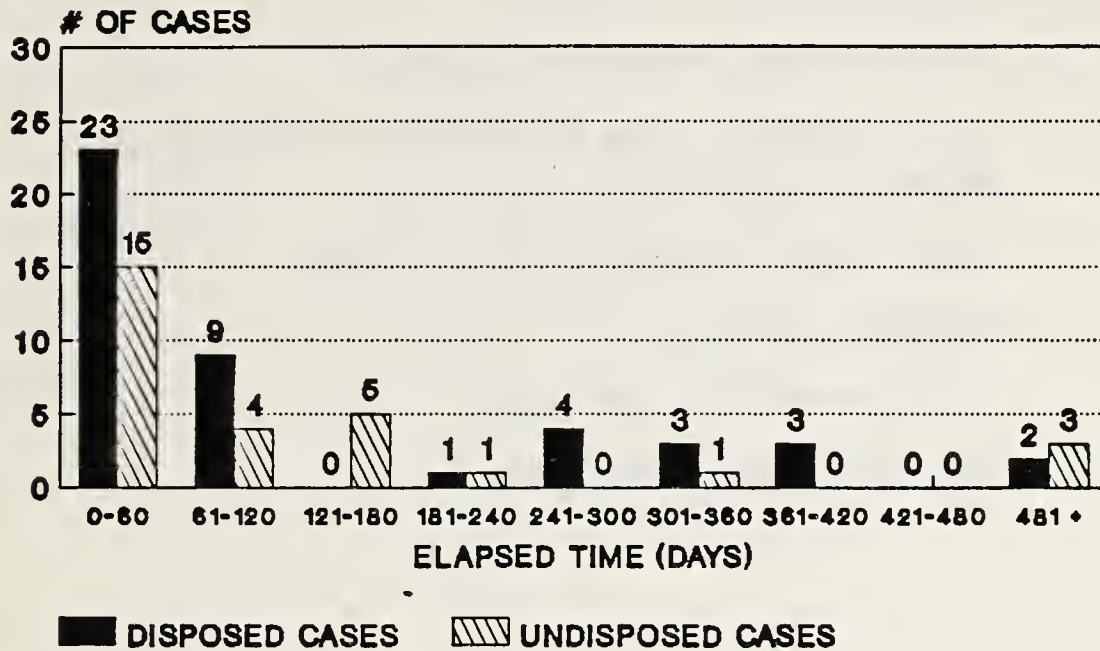
TR - trial

**TORONTO SUPREME COURT -FAMILY LAW SURVEY
TIME BETWEEN FILING AND SERVICE OF CLAIM
FOR ALL CASES WITH PROOF OF SERVICE**



- NUMBER OF CASES WITH PROOF OF SERVICE OF STATEMENT OF CLAIM - 23 OF 175 OR 13%
- MEAN TIME FROM FILING OF CLAIM TO SERVICE - 14 DAYS
- MEDIAN - 5 DAYS
- 75TH PERCENTILE - 7 DAYS
- 90TH PERCENTILE - 27 DAYS

TORONTO SUPREME COURT -FAMILY LAW SURVEY TIME BETWEEN FILING OF CLAIM AND SERVICE OF DEFENCE FOR ALL DEFENDED CASES



- TOTAL NUMBER OF CASES CONTAINING A STATEMENT OF DEFENCE = 74 OF 175 OR 42%
- MEAN TIME BETWEEN FILING OF CLAIM AND SERVICE OF DEFENCE = 137 DAYS
- MEDIAN = 55 DAYS
- 75TH PERCENTILE = 174 DAYS
- 90TH PERCENTILE = 350 DAYS

TORONTO SUPREME COURT -FAMILY LAW SURVEY TIME FROM FILING OF CLAIM TO SERVICE OF DEFENCE

- **A) FOR DISPOSED CASES**

- Total number of disposed cases ▪ 113
- Total disposed cases containing a statement of defence ▪ 45 or 40%
- Mean filing to defence time ▪ 128 days
- Median ▪ 55 days
- 75th percentile ▪ 236 days
- 90th percentile ▪ 376 days

- **B) ALL UNDISPOSED CASES**

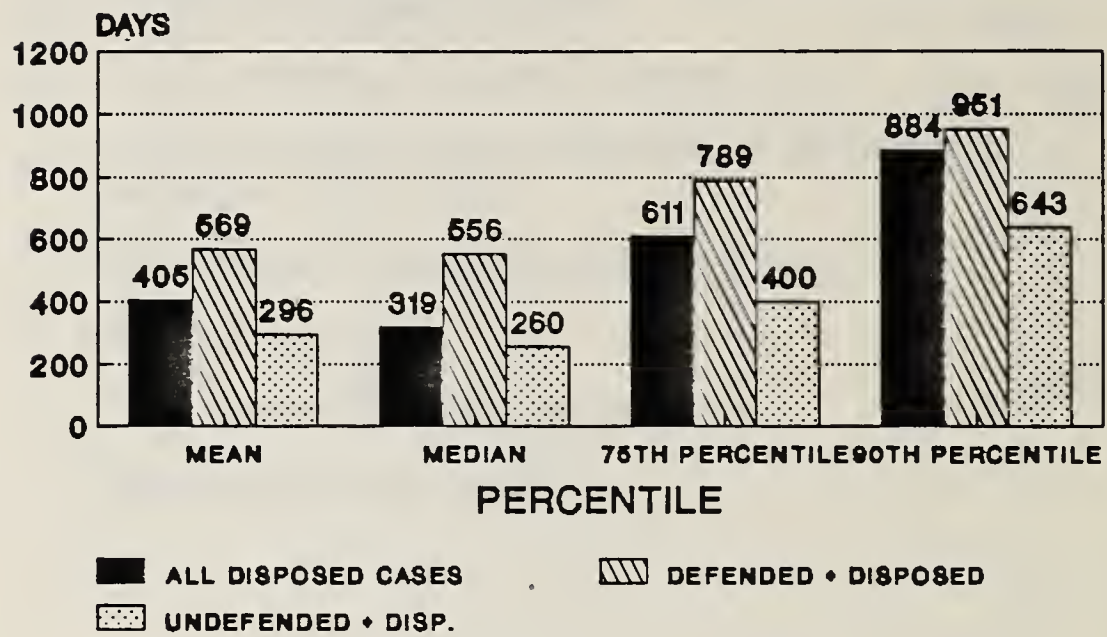
- Total number of undisposed cases containing a statement of defence ▪ 29 of 62 or 47%
- Mean number of days from filing of claim to filing of defence ▪ 150 days
- median ▪ 55 days
- 75th percentile ▪ 162 days
- 90th percentile ▪ 338 days

**TORONTO SUPREME COURT - FAMILY LAW SURVEY
TIME FROM SERVICE OF DEFENCE TO DISPOSITION**

<u>ELAPSED TIME (DAYS)</u>	<u># OF CASES</u>	<u>% OF TOTAL</u>
0 - 365	24	53
366 -730	14	31
731 - 1095	4	9
1096 -1461	2	5
1461 +	1	2
TOTAL	45	

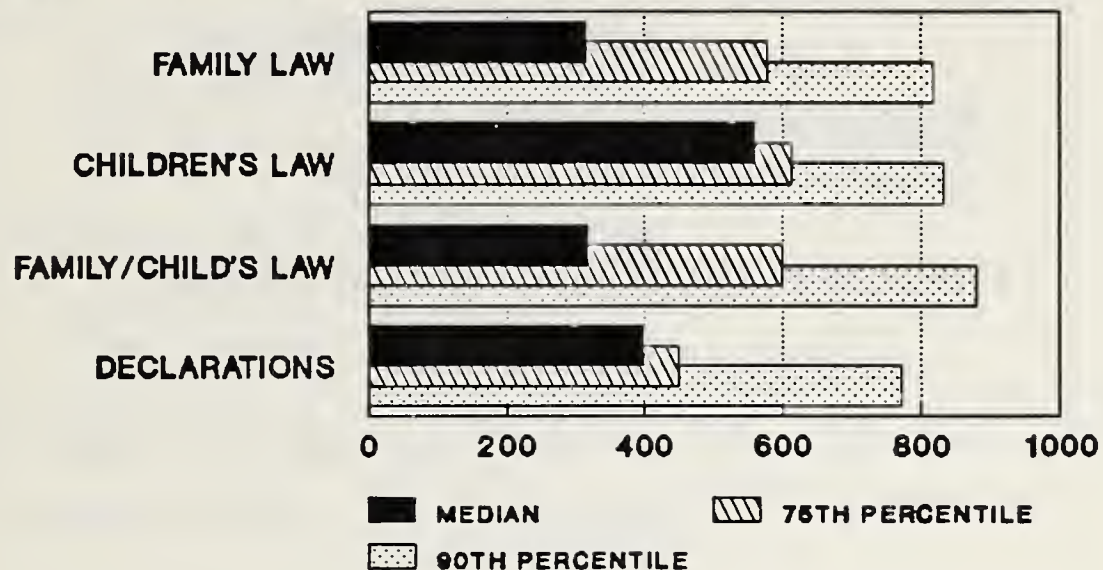
- **MEAN TIME FROM SERVICE OF DEFENCE
TO DISPOSITION ▪ 441 DAYS**
- **MEDIAN ▪ 320 DAYS**
- **75TH PERCENTILE ▪ 605 DAYS**
- **90TH PERCENTILE ▪ 923 DAYS**

TORONTO SUPREME COURT -FAMILY LAW SURVEY FILING OF CLAIM TO DISPOSITION PERCENTILES FOR ALL DISPOSED CASES



TORONTO SUPREME COURT -FAMILY LAW SURVEY FILING TO DISPOSITION PERCENTILES FOR ALL DISPOSED CASES BY CASE TYPE

elapsed time (days)



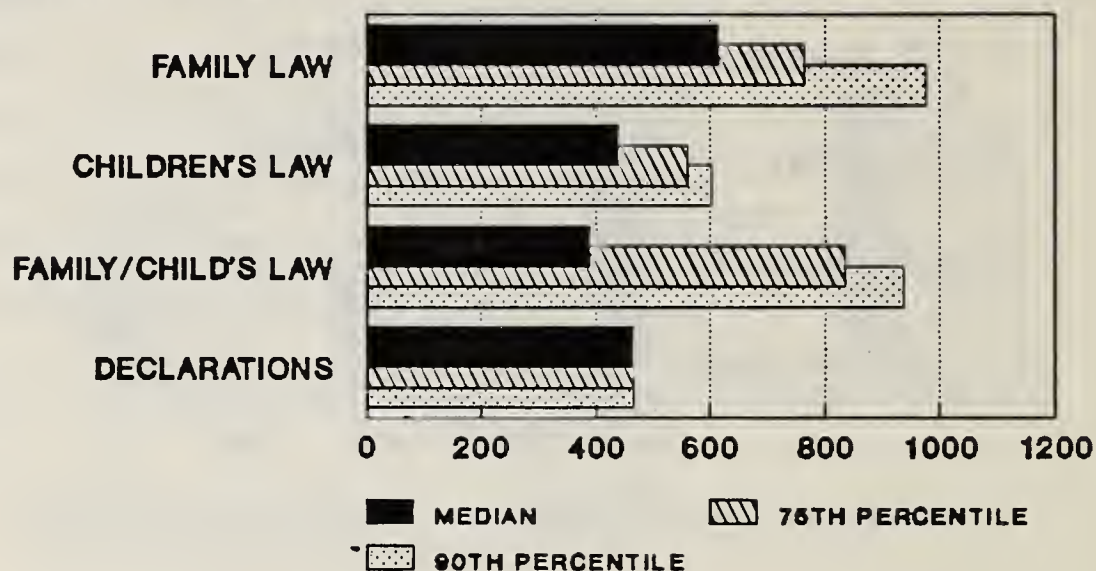
TORONTO SUPREME COURT - FAMILY LAW SURVEY FILING TO DISPOSITION PERCENTILES FOR ALL DISPOSED CASES BY CASE TYPE

<u>CASE_TYPE</u>	<u>#CASES</u>	<u>MEAN</u>	<u>MEDIAN</u>	<u>75th PERCENTILE</u>	<u>90th</u>
family law	62	392	316	579	818
children's law	5	531	560	613	834
family/child's law	41	403	319	600	882
declarations	5	444	400	450	772

**TOTAL 113
(TIME IS MEASURED IN DAYS)**

TORONTO SUPREME COURT -FAMILY LAW SURVEY FILING TO DISPOSITION PERCENTILES FOR DEFENDED AND DISPOSED CASES BY CASE TYPE

elapsed time (days)

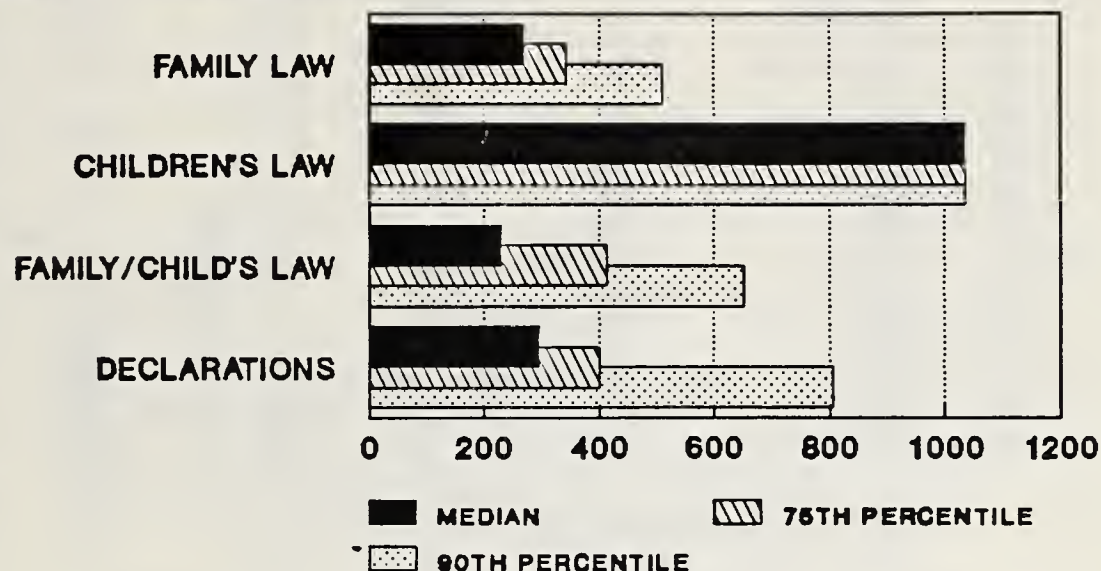


TORONTO SUPREME COURT - FAMILY LAW SURVEY FILING TO DISPOSITION PERCENTILES FOR DEFENDED AND DISPOSED CASES BY CASE TYPE

<u>CASE TYPE</u>	<u>#CASES</u>	<u>MEAN</u>	<u>MEDIAN</u>	<u>75th PERCENTILE</u>	<u>90th</u>
family law	21	630	616	765	977
children's law	4	405	441	560	602
family/child's law	19	542	391	834	936
declarations	1	466	466	466	466
TOTAL	45				

TORONTO SUPREME COURT -FAMILY LAW SURVEY FILING TO DISPOSITION PERCENTILES FOR UNDEFENDED & DISPOSED CASES BY CASE TYPE

elapsed time (days)



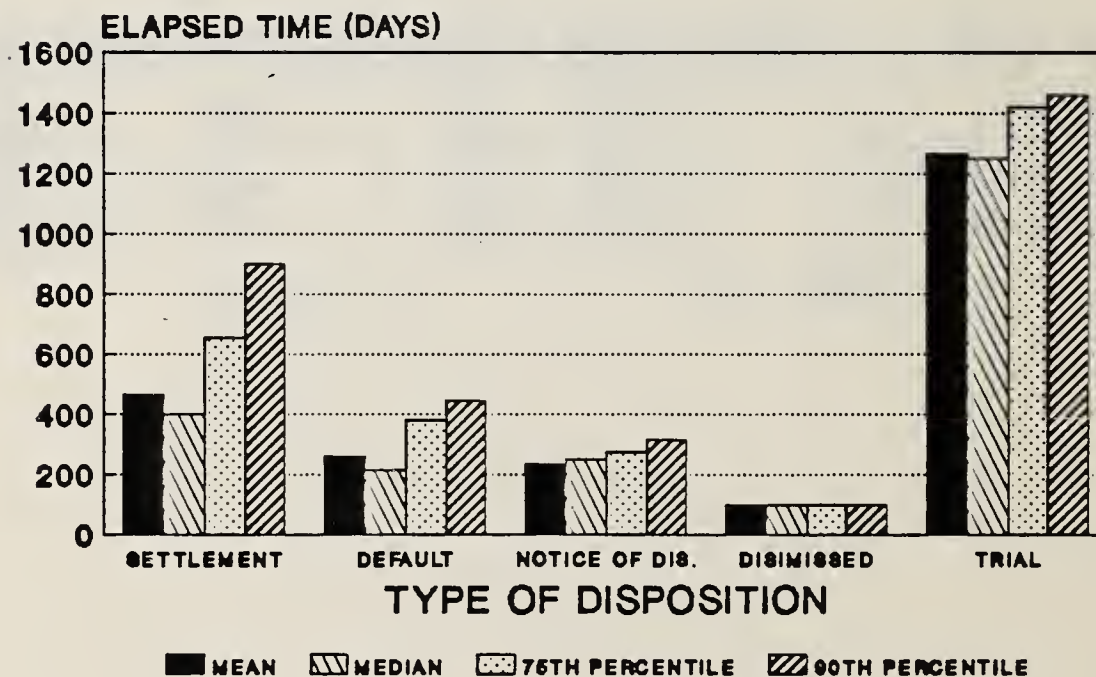
TORONTO SUPREME COURT - FAMILY LAW SURVEY FILING TO DISPOSITION PERCENTILES FOR UNDEFENDED AND DISPOSED CASES

<u>CASE TYPE</u>	<u>#CASES</u>	<u>MEAN</u>	<u>MEDIAN</u>	<u>75th PERCENTILE</u>	<u>90th</u>
family law	41	271	271	343	510
children's law	1	1037	1037	1037	1037
family/child's law	22	283	231	413	651
declarations	4	438	296	400	807
TOTAL	68				

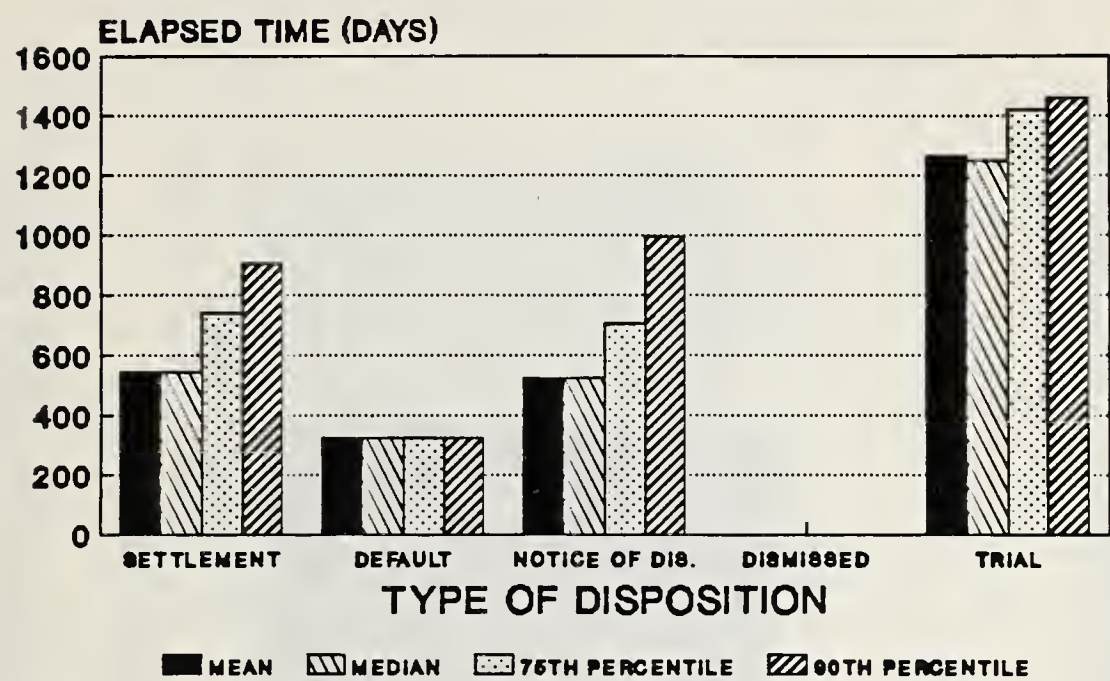
TORONTO SUPREME COURT - FAMILY LAW SURVEY FILING TO DISPOSITION PERCENTILES FOR ALL DISPOSED CASES BY DISPOSITION TYPE

DISPO- SITION	VARIABLE	NUMBER CASES	MEAN	MEDIAN	PERCENTILE	
					75TH	90TH
S	ALL DISP.	74	463	399	656	903
	DEF+DISP	40	543	546	742	907
	UNDEF+DISP	34	370	334	527	857
D	ALL DISP.	13	259	214	382	446
	DEF+DISP	1	327	327	327	327
	UNDEF+DISP	12	254	212	400	450
NOD	ALL DISP.	23	237	248	277	314
	DEF+DISP	2	523	523	704	995
	UNDEF+DISP	21	210	248	270	303
DIS	ALL DISP.	1	101	101	101	101
	DEF+DISP	0	0	0	0	0
	UNDEF+DISP	1	101	101	101	101
TR	ALL DISP.	2	1264	1251	1423	1463
	DEF+DISP	2	1264	1251	1423	1463
	UNDEF+DISP	0	0	0	0	0

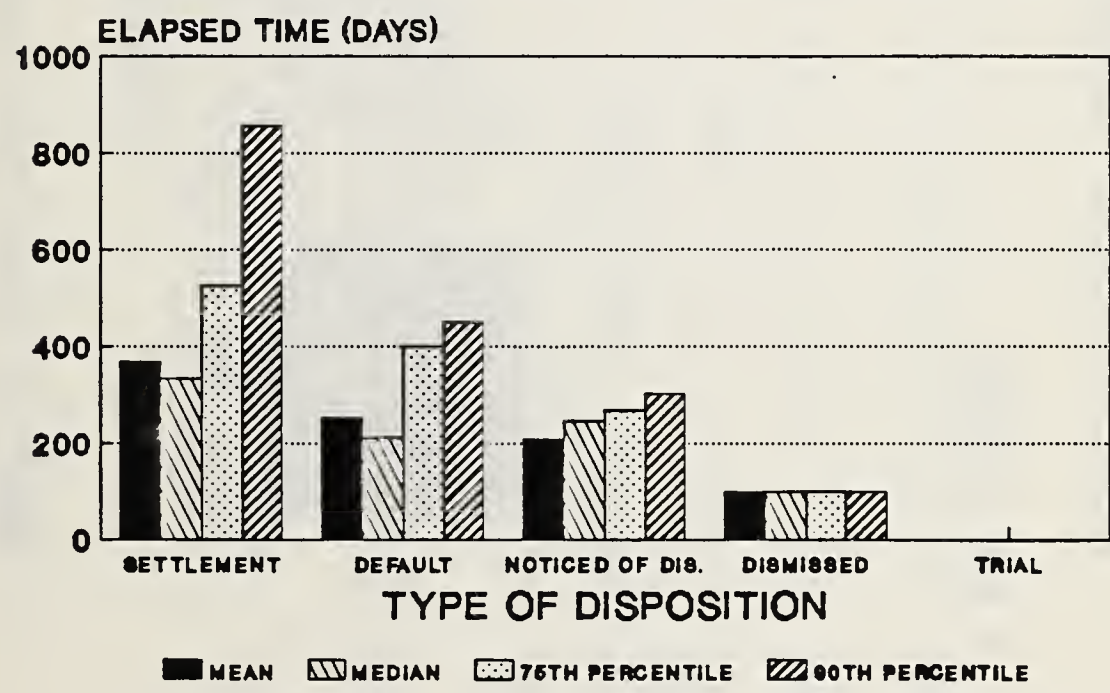
TORONTO SUPREME COURT -FAMILY LAW SURVEY FILING TO DISPOSITION TIMES FOR ALL DISPOSED CASES BY DISPOSITION TYPE



TORONTO SUPREME COURT -FAMILY LAW SURVEY FILING TO DISPOSITION TIMES FOR DEFENDED AND DISPOSED CASES, BY DISPOSITION TYPE

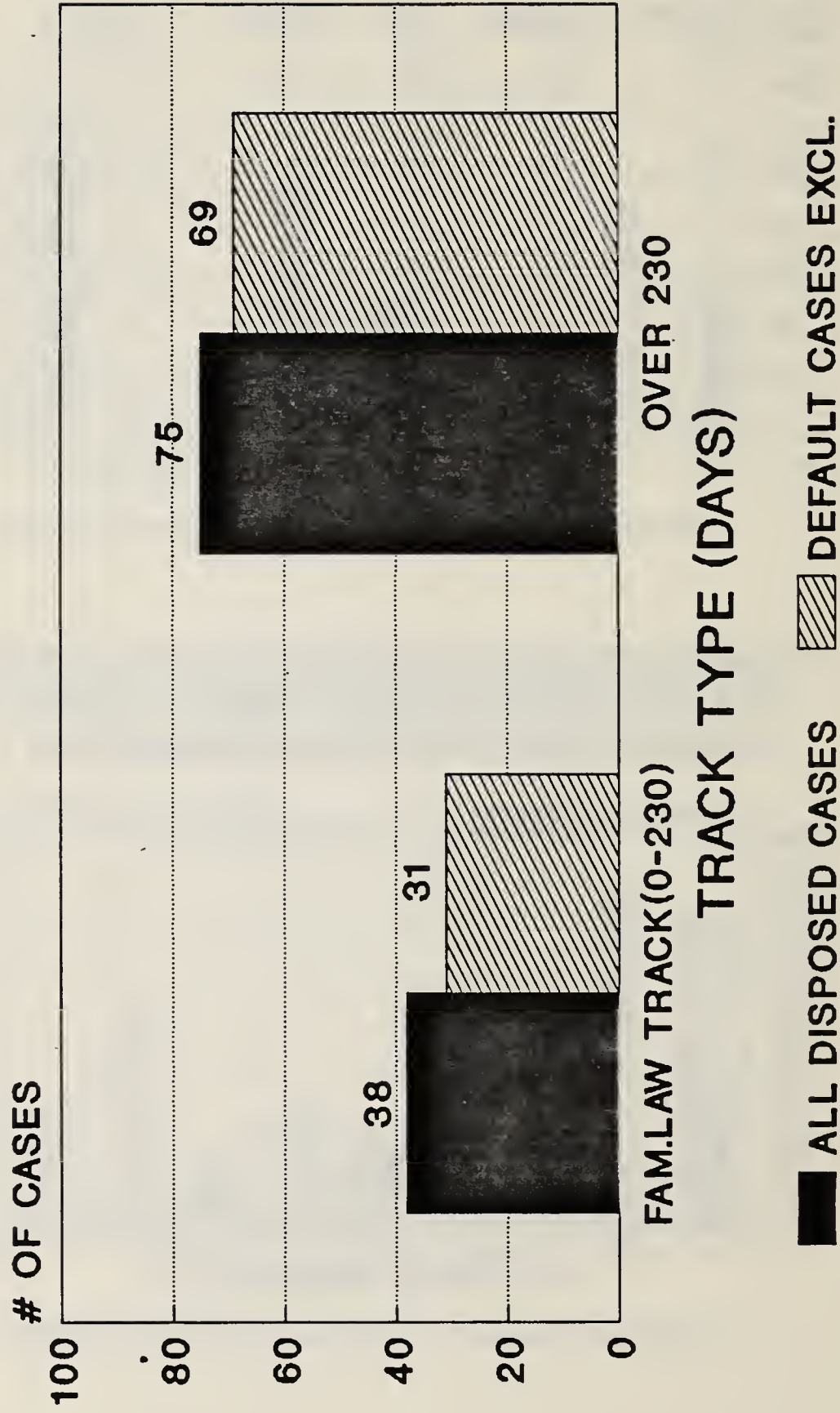


TORONTO SUPREME COURT -FAMILY LAW SURVEY FILING TO DISPOSITION TIMES FOR DISPOSED & UNDEFENDED CASES, BY DISPOSITION TYPE



TORONTO SUPREME COURT -FAMILY LAW SURVEY

FILING TO DISPOSITION TIMES FOR PROPOSED CASE MANAGEMENT TRACKS



TORONTO SUPREME COURT - FAMILY LAW SURVEY FILING TO PRE-TRIAL AND PRE-TRIAL TO DISP. TIMES

I. FILING TO PRETRIAL

- number of cases with a pre-trial = 15 (9%)
- mean filing to pre-trial time = 512 days
- median = 556 days
- 75th percentile = 653 days
- 90th percentile = 832 days

II. PRETRIAL TO DISPOSITION

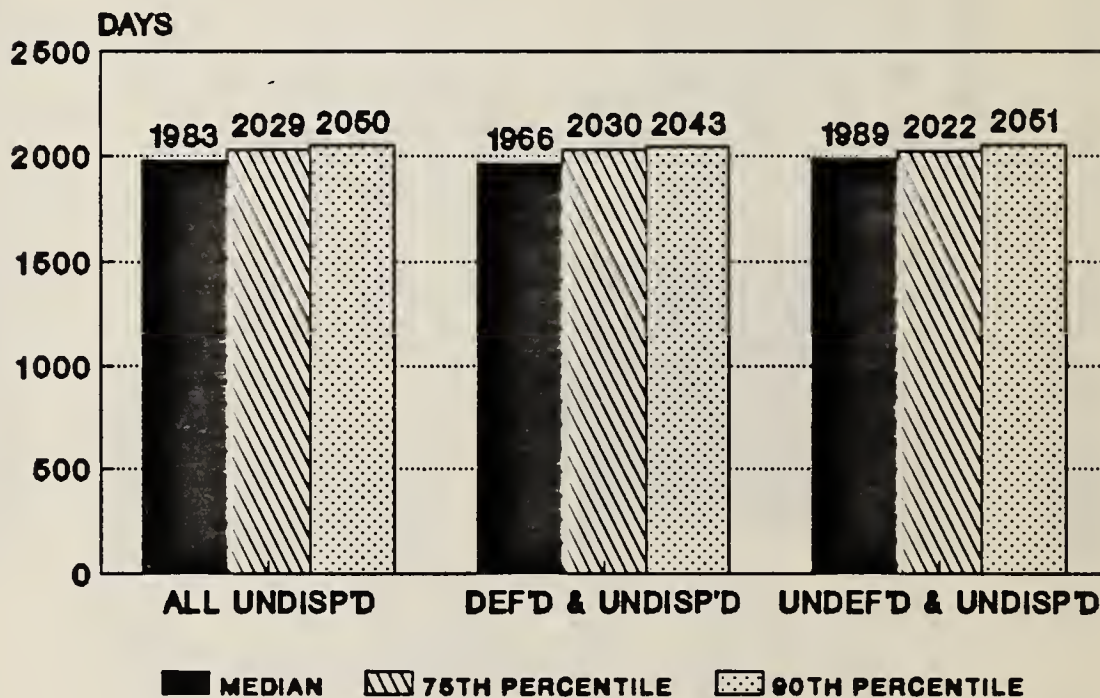
- number of disposed cases with a pre-trial= 12 (7%)
- mean pre-trial to disp. time = 195 days
- median = 236 days
- 75th percentile = 281 days
- 90th percentile= 304 days

TORONTO SUPREME COURT - FAMILY LAW SURVEY FILING TO SURVEY DATE FOR UNDISPOSED CASES

	UNDISPOSED CASES	DEFENDED & UNDISPOSED	UNDEFENDED & UNDISPOSED
#CASES	62	29	33
MEDIAN	1983	1966	1989
75TH PERC.	2029	2030	2022
90TH PERC.	2050	2043	2051

SURVEY DATE WAS 09/03/1991

TORONTO SUPREME COURT -FAMILY LAW SURVEY FILING TO SURVEY START PERCENTILES



METHODOLOGY FOR SAMPLE TAKEN AT PROVINCIAL COURT

311 JARVIS STREET, TORONTO

In May 1989, a sample of disposed files located at what was then the Provincial Court (Family Division) at 311 Jarvis Street, Toronto, were reviewed. Some of the Provincial Offences Act cases had been commenced in 1989, but the majority of the files in the sample were commenced in 1987. Court staff advised as to the approximate breakdown of case types and the sample was gathered to approximate the distribution indicated by staff. This survey differs from all others in that it deals with disposed cases only, and further, that the cross-section of cases were based on a suggested distribution as opposed to a purely random selection.

This sample provides some insight as to the type of case handled at the provincial level and the time required for disposition. In the statistics which follow, REMO represents Reciprocal Enforcement of Maintenance Orders Act, SCOE, the Support and Custody Order Enforcement Act, YOA the Young Offenders Act, and POA the Provincial Offences Act.

Mark Goldie conducted this survey under the direction of Ed Finlan. Greg Hall assembled the data depicted here and Marlene Mills provided the necessary secretarial support to produce this section.

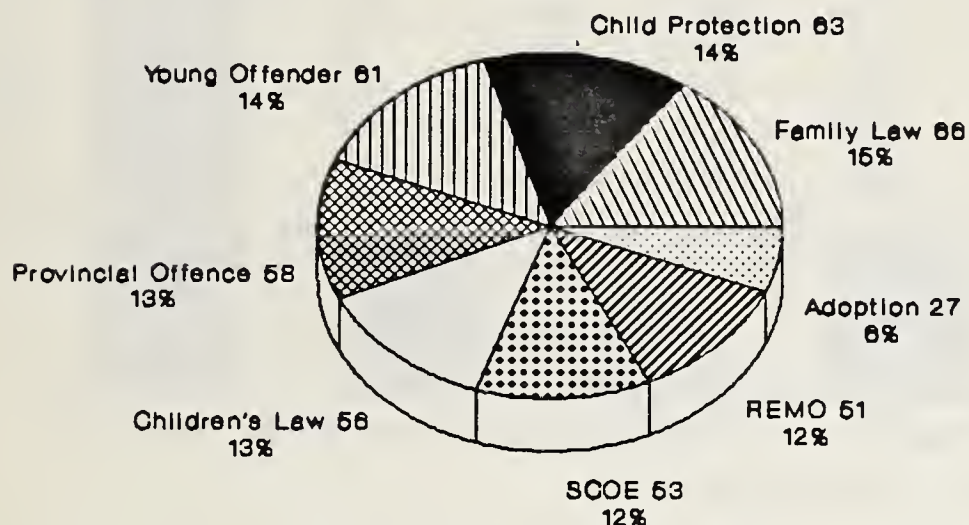
John Twohig
September 30, 1991

311 JARVIS STREET SURVEY

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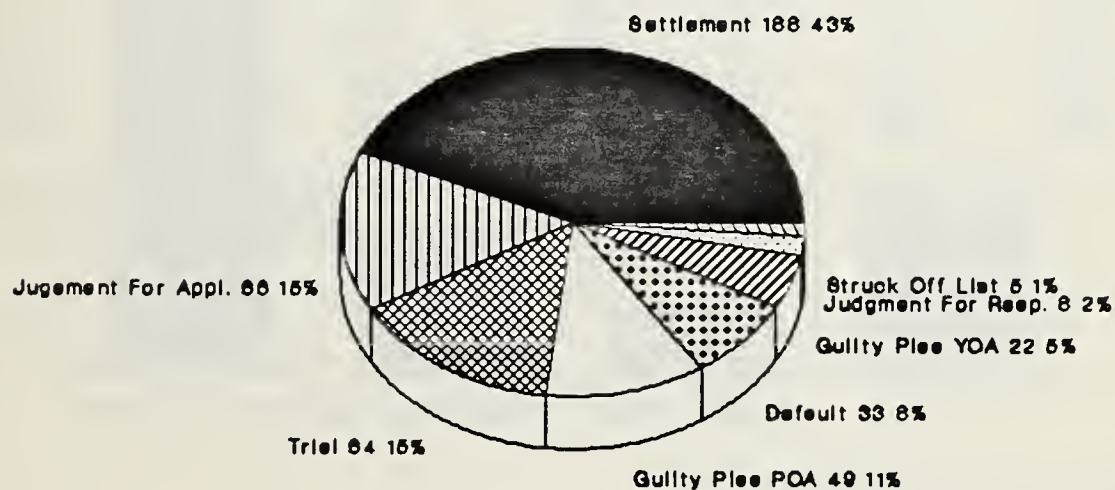
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Time Between Date Proceeding Filed and Date of Service	2
Time Between Date Proceeding Filed and Date Order Issued	3
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Case Type Breakdown

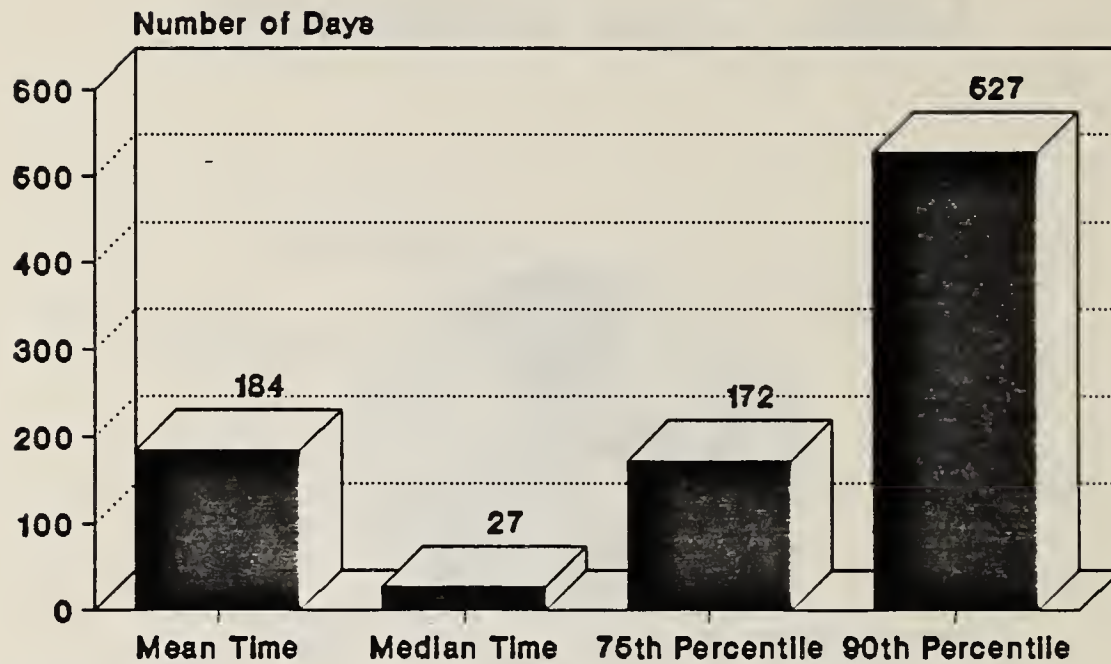


Total Cases in Survey = 435

Disposition Type Breakdown

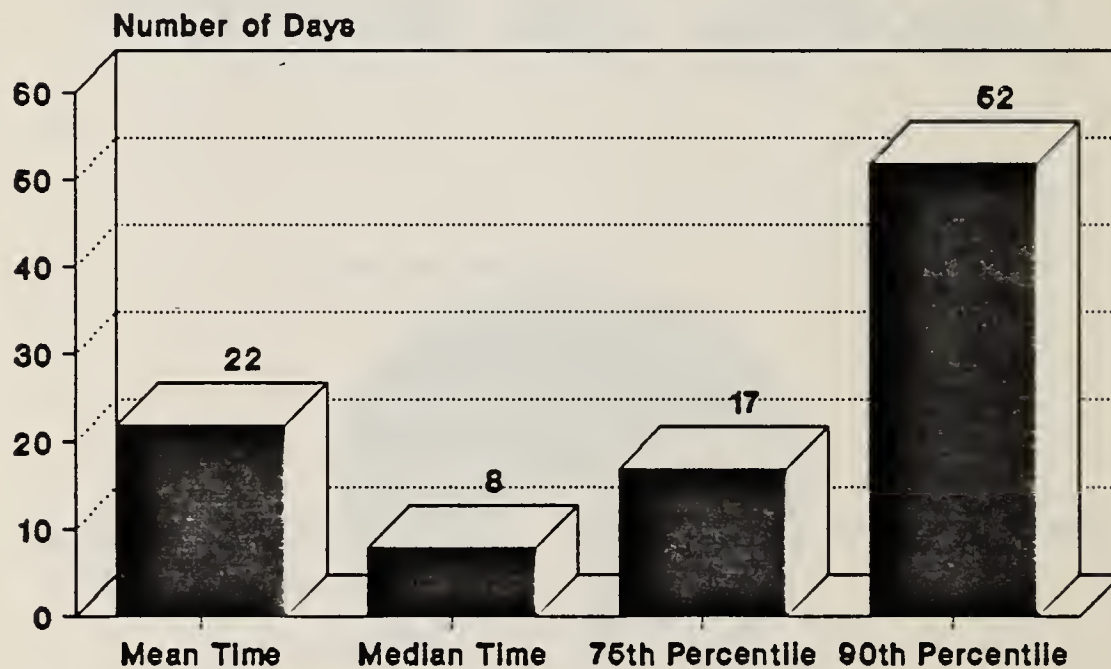


Time Between Cause of Action and Date Proceeding Filed



Note: 4 cases did not have a date of action

Time Between Date Proceeding Filed and Date of Service



Note: only 330 of the 435 cases in the survey had a date of service listed

Time Between Date Proceeding Filed and Date Order Issued

<u>CASE TYPE</u>	<u># OF CASES</u>	<u>MEAN</u>	<u>MEDIAN</u>	<u>75TH %</u>	<u>90TH %</u>
ADOPTION	27	36	28	40	61
CHILDREN'S LAW	64	117	67	112	343
CHILD PROTECTION	69	348	344	520	642
FAMILY LAW	62	209	120	270	469
POA	67	62	36	57	182
REMO	48	144	106	164	246
SCOE	53	167	127	239	337
YOA	61	99	94	147	181

Note: of the 436 cases 421 (97%) had an order issued

Time Between Filing and Disposition by Case Type

<u>CASE TYPE</u>	<u># OF CASES</u>	<u>MEAN</u>	<u>MEDIAN</u>	<u>75TH %</u>	<u>90TH %</u>
FAM. LAW	66	176	94	216	420
CHILD LAW	66	94	62	101	248
CHILD PROT.	63	340	344	520	632
ADOPTION	27	29	28	37	47
YOA	61	99	94	147	181
POA	68	73	43	69	182
SCOE	53	136	101	164	304
REMO	48	128	91	136	237

Note: 3 REMO cases did not have a disposition date listed,
therefore were not included

Time Between Filing and Disposition by Disposition Type

<u>DISPOSITION TYPE</u>	<u># OF CASES</u>	<u>MEAN</u>	<u>MEDIAN</u>	<u>75TH %</u>	<u>90TH %</u>
SETTLEMENT	188	173	84	233	472
STRUCK OFF LIST	2	48	49	61	67
JDGMT. FOR RESP.	8	204	155	198	392
GUILTY PLEA YOA	22	43	20	63	97
DEFAULT	33	100	72	125	188
GUILTY PLEA POA	49	59	35	54	152
TRIAL	64	218	159	276	447
JDGMT. FOR APPL	66	110	69	130	237

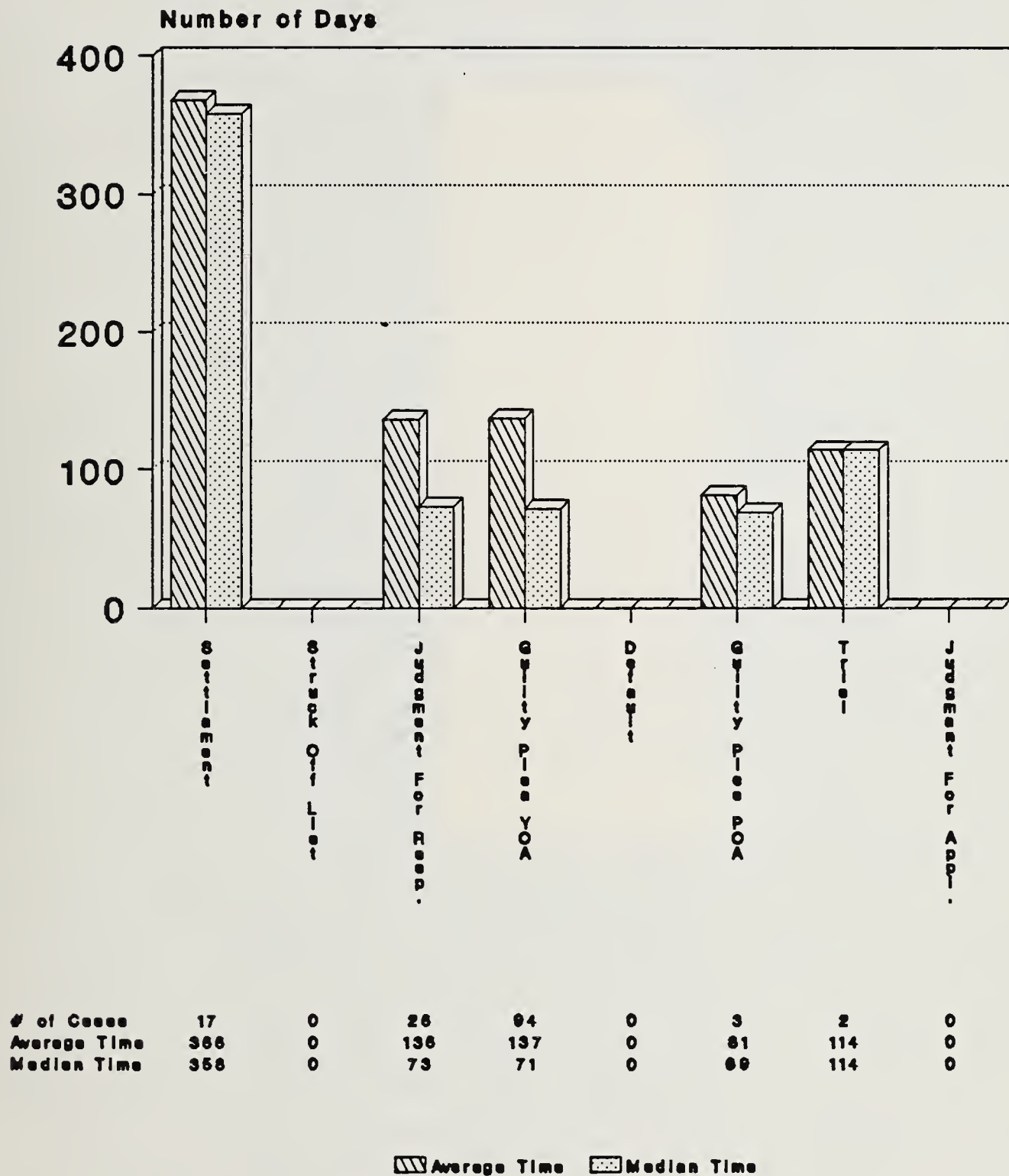
Note: 3 cases with a disposition of struck off list did not have a disposition date listed, therefore were excluded

Number of Cases By Type of Disposition and Case Type

<u>CASE TYPE</u>	<u>TYPE OF DISPOSITION</u>							
	<u>GPPOA</u>	<u>TR</u>	<u>JFA</u>	<u>SBT</u>	<u>GPYOA</u>	<u>DEF</u>	<u>JFR</u>	<u>SOL</u>
ADOPTION	0	0	3	24	0	0	0	0
CHILDREN'S LAW	0	1	9	36	0	8	2	0
CHILD PROTECTION	0	5	3	49	0	3	3	0
FAMILY LAW	0	12	8	38	0	7	0	1
POA	49	8	1	0	0	0	0	0
REMO	0	0	26	13	0	7	1	4
SCOE	0	4	12	28	0	8	1	0
YOA	0	34	4	0	22	0	1	0

Legend: GPPOA - Guilty Plea Provincial Offences Act
 TR - Trial, JFA - Judgment for Applicant,
 SBT - Settlement, GPYOA - Guilty Plea Young
 Offenders Act, DEF - Default, JFR - Judgment for
 Respondent, SOL - Struck Off List

Time Between Filing and Disposition For Defended Cases



Of the 435 case only 142 (33%) filed
a defense

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